Tros Tyriusque mihi nullo discrimine agetur

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The Death Toll of Enforcement

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A partial survey of the lengthening list of fatalities that are darkening the cause of Prohibition

You have probably never heard of Sylvester Strickland. He was an ordinary Southern darkey, who was walking along a highway near Vivian, Louisiana, one night in April, 1924, when three strangers popped out of a hiding place to waylay him. Perhaps he was scared speechless; at any rate, he took to his heels without waiting to argue. He ran until a shot was fired that brought him down, dead. His pursuers then discovered that they had killed a harmless neighborhood character, instead of the rum runner they had been waiting for. Sylvester was duly buried, and the strangers went back to their work. They were not footpads, but Federal Prohibition agents, who had made a mistake.

I have picked the paragraph labelled "Strickland, Sylvester," out of the mortality records of the Federal Prohibition Bureau almost at random. If you care to go through those records, you will find a lot of other cases in which Prohibition agents of the United States Government have killed innocent persons.

You will also find killings done in error by agents who fired at automobile tires; by agents whose wild shots hit vital spots; by agents who tripped in discharging guns. A number of the tragedies, as reported, are those in which enforcement officers acted, presumably in self-defense, as when a prisoner resisted arrest, or fired on them, or made a motion that indicated he was about

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to draw a weapon. But there is also a liberal sprinkling of killings, even as officially recorded, in which the victim, whether guilty or only suspected, was shot when running away.

Naturally, the cases are widely diversified. Nor is the Federal record complete. More than two hundred and sixty deaths were reported in the Government's latest accounting. Senator Tydings, of Maryland, recently cited fifty-one Federal killings, which were not included in that official record as made public, and estimated the total number of deaths due to Prohibition enforcement at eight hundred. This estimate, of course, included non-Federal cases. But it developed later that the Senator made an inaccurate computation, in which he erred on the side of conservatism. A thorough canvass of the country by the Hearst newspapers has now shown that Prohibition enforcement deaths, Federal, State, local and so on, number more than 1,300.

THE slaughter, which has been going on for ten years and has shown no signs of abatement, has not caused Prohibition zealots to modify a fixed idea that America must be made bone-dry at any cost. On the contrary, they have tried to sweep back the rising tide of opposition to the Eighteenth Amendment by putting new teeth into enforcement legislation. They have argued that the Prohibition experiment should have as long a trial as was given to the old liquor licensing system. As liquor licensing dates back hundreds of years, — some four centuries in England, for example, — there is not much comfort in that proposition for those of us who deplore the carnival of crime, violence and corruption to which Volsteadism has given rise.

WHEN a hundred million people are being subjected to a prolonged social experiment, regardless of whether they like it or not, they are likely to ask questions. What has this ten-year campaign of the teetotalers accomplished? Can Prohibition, which has been discarded as a failure by every other nation in the world which has tried it, with the exception of Finland, be made a success in the United States? Can our Dry laws ever be enforced without wholesale violence and bloodshed? These questions, to be sure, are open to controversial answers, but they have one common denominator, law enforcement. We know how that work has been carried on, and we know that violations are piling up, as evidenced by the policy of putting new teeth into the law from time to time.

In connection with the whole enforcement problem, there comes to my mind a fundamental truth, as defined succinctly a few years ago by a Government Commission of the Irish Free State. This Commission, which had made a long and painstaking investigation into the liquor question in Ireland and elsewhere, stated in its report:

> We desire emphatically to point out that temperance legislation has succeeded in the past only so far as the willingness of the community involved has permitted it to succeed. The essential functions of the law are to preserve order, maintain justice and protect the community. It is not the function of the law to make people good. Whenever it tries to do so without general public support it fails.

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What Prohibition in America needs most is general public support. I doubt the national Dry law will ever have that prop to lean on. But whether I am right or wrong in my opinion, the fact remains that killings by Dry agents have alienated popular sympathy and in many cases actually aroused bitter hostility. Let us consider only a few of the flagrant examples.

Mrs. Lillian DeKing was telephoning from her home in Aurora, Ill., to an attorney, in an effort to end an altercation between her husband and a party of Dry raiders over service of a search warrant. Suddenly, a policeman who had approached DeKing from behind, knocked him senseless with the butt of a shotgun. She jumped up from her chair, to run to the fallen man; the gun went off, and she was killed. This killing of an innocent woman occurred in the presence of her little son.

Henry Virkula, a confectioner, was driving home in an automobile, near Little Falls, Minn., one night last June, with his wife beside him and their two children asleep on the back seat. There was a sudden order from the roadside to halt, followed by the discharge of a shotgun, before he could stop the car. Virkula, mortally wounded, collapsed at the wheel. No liquor was found in the car. The Dry agent was quoted afterward as having explained that he had shot at the tires.

Jacob Hanson, a secretary of an Elk's lodge at Niagara Falls, N. Y., was killed in similar circumstances, except that he had mistaken his challengers for highwaymen and "stepped on the gas."

Charles P. Gundlacht, who lived near Leonardstown, Md., refused to permit Dry agents to enter his home. After he had warned them off, they continued to advance, and he fired, wounding one of them. They killed him while his distracted wife was looking on. These raiders, according to later evidence, had no search warrant. The man they slew summarily was not a criminal, but an aged farmer, who had stood up for the ancient principle, once inalienable, that a man's home is his castle.

Down in Oklahoma, Oscar Lowery and James Harris, World War veterans and brothers-in-law, were on the porch of their farmhouse near Tecumseh, with Mrs. Harris and the Harris children. They were discussing a picnic set for that afternoon. A stranger entered the yard and kicked over a chicken coop. He went on to a feed crib, where he poked about. While Harris was getting a shotgun, to drive the supposed drunk off the place, the stranger fired on him. Harris fired back, wounding his assailant in the face. Amid the ensuing turmoil, other armed men appeared, and both Harris and Lowery ran from them. Lowery was unarmed. Mrs. Harris, running ahead of the pursuers, called on her men to surrender, that the strangers were Dry raiders. Presumably, her brother and her husband took that advice; it was testified in subsequent legal proceedings that Harris and Lowery were shot dead while holding up their hands in token of surrender and pleading that their lives be spared.

Even children are on the Prohibition death roll. Among them are Mildred Lee, eleven years old, who

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was killed on going out with her father, a reputed rum runner, for a pleasure trip in his speedboat on the Detroit River; Sheridan Bradshaw, aged eight, who was riding with his father in an automobile at Las Vegas, N. M.; Clarence Bailey, an Alabama schoolboy, who was running away with a jug of whiskey; John Danley, who was fleeing from a raid on a moonshine still in Virginia.

SUCH shocking tragedies as these — and they make up only a fraction of the number of cases in which lives have been taken — turn the spotlight of publicity on dark chapters of Prohibition enforcement. Newspaper readers who have not noticed the death of some friendless or lowly person like Sylvester Strickland, discover that the killing of Mrs. DeKing grew out of a search warrant issued on the false affidavit of a snooper who had been hired a few weeks after his wife had divorced him on a charge of habitual intoxication; they find that Gundlacht, whom raiders saw fit to kill, was a man seventy-seven years old; they observe that the shooting down of two war veterans on July 4, 1929, occurred when their fellow-citizens were celebrating Independence Day.

There is a distressing abundance of evidence of that kind. And America is overridden by a multiplicity of Dry units, independent of one another — Federal, State, county, city and town officers, as well as unofficial volunteers and hired snoopers — who manage to keep popular indignation up to concert pitch. Such a killing as that of Mrs. DeKing, or little Mildred Lee, has unfavorable repercussions even among the ranks of the faithful in small communities, inasmuch as it serves to dispel their local illusions, based on very limited observation, that conditions are getting better and better day by day. The great experiment suffers a setback throughout the country; regardless of whether Prohibition is worth the price in violence and bloodshed, a law which lacks general public support can not be made popular with a shotgun.

TO THE inquiring public, which is being experimented on, Prohibition spokesmen from time to time give explanations to show that killings and other outrages are necessary or unavoidable incidents of a crusade with a great moral purpose. Their stock argument, that the law must be enforced because it is the law, is not enough, in my opinion, to win support for a sumptuary statute. It does not explain away, for instance, the fact that the Eighteenth Amendment, father to the Volstead Act, is the only clause in the United States Constitution which has incited general disorder, corruption and gunplay. It does not answer the interminable argument about personal liberty. It does not encompass the fact that if we are to have general respect for a law, we should first see to it that that law appeals to reason as a regulation which the public requires or demands.

There is an emphatic conflict of opinion as to the need or the demand for a National Prohibition law. We classify the disputants roughly as Wets and Drys. But there is another large body of citizens who are not in either category — people who are

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apathetic or in doubt, and who are consequently open to conviction. For that reason, chiefly, I believe that, while Prohibition killings may be condemned on the one hand and condoned on the other, their effect, by and large, will be to undermine the bone-dry law, so long as we are unable to make people think alike by Act of Congress.

THE free use of firearms by Federal dry agents has directed public attention to a peculiar situation in our courts, where shooters have been tried for homicide or murder. It has been a common practice of the United States Attorney-General's office to intervene in such cases and have them removed to Federal tribunals. That procedure is authorized in a statute enacted nearly a hundred years ago, which was designed to protect officers of the United States Government against local prejudice arising out of acts performed by them in their official capacity. The law was extended by the Volstead Act so as to cover Federal Prohibition officers. Consequently, local prosecutors have as a rule been obliged to contend with both counsel for the defense and Federal attorneys, who have had the legal machinery at Washington behind them.

The factual record of some of these trials speaks for itself. For the killing of Jacob Hanson, which I have described, two Coast Guardsmen were indicted by a Niagara County (N. Y.) Grand Jury for second degree assault, and later for second degree manslaughter. After a date for their trial in a State court had been set, the United States Attorney of the district caused a Federal Judge to transfer the trial to a Federal court in Elmira. Thus, witnesses who would otherwise have been able to testify in Buffalo, near the scene of the shooting, had to travel to a city 150 miles from there. In Elmira, one of the defendants was discharged for want of evidence, and a jury disagreed, standing nine to three for conviction of his companion. A new trial was set, this time for Rochester, seventy miles from the scene of the killing, where the defendant was acquitted. For the killing of the boy John Danley, two agents were indicted, charged with murder. After a Federal court had intervened, the case was *nolle prossed*, a year and a half after the killing occurred. Three Coast Guardsmen were indicted by a county Grand Jury at Miami, Fla., for the murder of Ermon H. Jones, a suspected rum runner. On a writ of *habeas corpus*, their cases were taken to a Federal court, where they were acquitted.

AS A sidelight on these examples, let us consider the court procedure that followed the killing of Lowery and Harris. A volunteer member of the Federal raiding party was convicted in a State court at Chandler, Okla., of first degree manslaughter. He was sentenced to fifty years' imprisonment. As he was not a Government officer, there was no intervention in his case. The Federal agent who had taken him on the raid was indicted similarly; but, according to the latest account at hand, he was to be tried in a Federal court, if at all.

The Federal officials involved in these cases are doing their duty; the

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courts are administering even-handed justice; there is no impropriety in the method of procedure. Yet, the layman finds that a Government Prohibition agent, indicted for a killing, enjoys a sort of immunity from ordinary processes of law under which other killers are found innocent or guilty. He finds that the machinery of local courts, to which he himself looks for wise and impartial administration of the law, must bow to a superior tribunal, when it comes to a prosecution for a homicide committed in the name of Prohibition. He finds that obstacles have been interposed in behalf of the defendant which have too often made it impossible, or inordinately difficult, to obtain a conviction. He wonders, perhaps, why a volunteer agent in the Lowery-Harris atrocity has already been sentenced to fifty years in prison, while the trial of a Federal agent, indicted in the same case, is still hanging fire.

OUTRAGES committed by gun-toting Dry agents, Federal or non-Federal, have become so notorious that the disarming of enforcement officers has been advocated, even by some of the sincere Prohibitionists. In my opinion, that step is hardly practicable. It must be remembered that the field administration of the dry law often involves desperate hazards. Commissioner Doran's latest accounting, which is only the Prohibition Bureau's mortality record, lists the killing of fifty-six agents. Many of those fatalities have been the work of violators who take life without compunction, firing from ambush or, on being cornered, shooting their way out. An even more dangerous lot of criminals, because they are well-financed and well-organized, is to be found in centres of population where gangs of racketeers have found a gold mine in the bootleg and moonshine traffic. While the scores of murders committed by these men in gang wars, or in depredations incidental to their trade, are not listed as Prohibition killings, they are nevertheless attributable to our social experiment. In my opinion, it would be not only futile but absurd to expect an unarmed agent to cope with such desperadoes.

IN SHORT, I believe that unarmed agents would be utterly unable to cope with the critical situation which now exists, and that armed agents are gradually alienating that public support, without which the National Prohibition law can not succeed. Those are the two horns of the enforcement dilemma — be damned if you do, and be damned if you don't.

We shall undoubtedly find a key to the problem if we weigh it in the light of what the Free State Commission has called "the willingness of the community involved." The Eighteenth Amendment should be repealed, or substantially amended, so that each State could make its own liquor regulations in accordance with diversified local conditions. That course would give us a sound liquor system backed by a preponderant public opinion and operating for the advancement of genuine temperance.

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Prisoners of Mussolini

Part II

By Francesco Fausto Nitti

In his first article, Signor Nitti told of his unexplained arrest by the Fascist authorities. As the article closed, he was in the hold of an Italian vessel en route to a penal island

At three o'clock in the afternoon, the prisoners in the hold could tell from the stir above that they would soon be ashore. A little later, the ship's engines stopped, and, still in our chains, we were herded on deck.

Lampedusa lay before us — a rock, arid and desolate, with the area of a few square miles and inhabited by a miserable four hundred fishers of sponges and *tonni*. There is not a tree on the island, hardly a patch of vegetation, not a piece of cultivated earth; instead there are dry bushes, goat paths, red rocks, and stones — stones — stones. Even in the inhabited quarter, a collection of about one hundred dirty huts ranged along narrow streets, the foot encounters at every step stones of all dimensions scattered through the mud.

This was the village to which I had been sentenced for five years of exile among convicts serving life sentences. On our arrival, three hundred of these unhappy creatures were on Lampedusa, living the lives of beasts. Allotted to large rooms, deprived of all cleanliness, light and air, dressed in sordid uniforms of black and yellow stripes, these men with whom we political *deportés* were compelled to divide our existence both aroused our compassion and, at the same time, our loathing. They were of all ages, from all parts of Italy, and guilty of all crimes. The greater part had been there for many years. Nearly all were alcoholics.

The Government allows these convicts four lire (about twenty cents) a day, out of which to manage an existence. On a rock like Lampedusa, without possibility of employment, these men simply exist. They lie on the ground in the narrow village streets under the heat of an African sun, awaiting the hour to retire into their dormitories, in which they are locked every evening at sunset. It is needless to add that the Government's allowance is expended for drink. They prefer the strong

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Sicilian wine, sold in various dirty holes in the village, to food. Despite the vigilance of their guards, many of the convicts are armed with knives. In their crimes and quarrels inspired by alcohol, they kill one another. During my stay on the island, I saw men killed, slashed to death and bathed in blood.

We political prisoners were placed in a long, low room not far from the quarters of the convicts. We were locked in at five in the evening, and taken out at seven in the morning. Each of us had a small cot mounted on wooden legs and covered with a sack of straw. The air inside the room was insufficient. The only water we had for all purposes was contained in a clay jug. For fourteen hours, from evening until morning, we lay in this vile atmosphere.

There were one hundred and twenty political prisoners crowded like animals into that single room. In the mornings, we were allowed to walk about the streets of the village, but not to leave its limits. The Government allowed each of us ten lire (about fifty cents) a day out of which to buy our food. This was the only distinction made between us and ordinary convicts. We were guarded by about one hundred Fascist militia, commanded by three Fascist officers, by an equal number of Carabinieri, and by numerous policemen. A Commissioner was in charge of the entire colony.

The lieutenant of the Fascist militia, who became ruler of the island, enjoyed himself by persecuting us. We were arrested without reason, cursed and maltreated. This lieutenant, a vicious type, hated the political *deportés* under his guard. He frequently declared that he would like to kill us all, that we were scum by reason of being anti-Fascists, and that few of us would leave the island alive. The members of the Italian Parliament among the prisoners frequently suffered from his fury.

The brothers Ticconi, two youthful *deportés* from Rome, were maltreated without reason until their blood flowed. Our friends, Morgesi, a decorated war veteran, Scalarini, a newspaper cartoonist, and many others were among the victims of the Lieutenant. The letters from our loved ones passed through the hands of the Fascist officers, who censored and frequently destroyed them. There were neither books nor papers allowed to us. We were not permitted even to exercise sufficiently, and there were no rules of hygiene that were respected.

I was frequently threatened by the Lieutenant, who regarded me with an especial bitterness because I bore the name of my uncle, political leader and former Premier of Italy. Often he gave me plainly to understand that at the first opportunity he would make me feel the whip which he always carried and which many of my companions already had felt.

The surveillance was so strict that we had no chance to communicate with our friends on the mainland; but a new and violent episode drove us to search avidly for some outlet. Pietro Rossi, a Roman youth, was stabbed by the Lieutenant. The young man's only sin was that he sang some songs in the Roman dialect, which the officer interpreted as anti-Fascist despite the fact that they had

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no political content whatever. For several days, without receiving any attention for the wound in his chest, Rossi was held in the Lampedusa jail with twenty companions whose offense was that they had listened to his songs.

REALIZING that we were headed for genuine trouble, many of us felt that the time had come for us to rouse ourselves. It would be better to fall at once beneath the blows of our guards than to witness daily these outrageous persecutions. A few of us conferred together and devised a means for informing those on the mainland what was happening to us. From the mainland, the news spread abroad, and the foreign press published stories revealing the character of our existence. The Government at Rome became fearful, and sought to correct conditions. An inspector was sent urgently to Lampedusa. After listening to our vigorous protests, he relieved the Lieutenant, who returned to his native town in Sicily.

Then, in due course, Lampedusa was cleared of political prisoners. We were distributed among the islands of Favignana, Pantelleria, Ustica, and Lipari. I was assigned to Lipari, and was sent there in chains on March 15, 1927. All these islands are off the south coast of Italy between Sicily and Sardinia. They already were filled with political *deportés* from all parts of the nation. There were renewed the persecutions to which we seemed doomed. On each island, life sunk to the depths of misery. There was no possibility of occupation. There were no decent habitations. Always there was the dangerous and humiliating mingling with the common convicts.

In Ustica, when the colony of *deportés* was founded in November, 1926, there were about sixty political prisoners among about eight hundred convicts and one hundred and fifty Arabs, who had been taken from Cyrenaica, in Africa, because they were suspected of relations with rebel Arab tribes. Among the Arabs were many important persons in the African colony, including Deputies in the colonial legislature, chiefs of tribes, and other conspicuous citizens.

USTICA is a rock of volcanic origin about forty miles off Palermo, in Sicily. Its area is about two square miles. Its complete lack of water makes impossible the growth of vegetation. There is not a tree on the island. As in the other islands, the area in which the prisoners were allowed to live was limited to the village. There are about eight hundred inhabitants, mostly fishermen. There is simply nothing to do. The brutalized convicts supplied the police and the Fascist militia with plenty of provocative agents to stir the political prisoners.

The number of political prisoners on Ustica increased steadily. They came from all parts of Italy and from all political groups. There were among them Slavs and Germans from the territory acquired by the war, such as Sdrebnich, a member of Parliament, who was transferred from Lampedusa, and Professor Riedler, of Bolzano. Among the members of Parliament serving their exile on Ustica were Damen, Molinelli, Conca, Romita, and Maffi.

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Another member of Parliament was Misuri, once a Fascist, who passed to the Opposition after the assassination of Matteotti.

The life of the prisoners on Ustica became even more difficult with the coming of another Fascist Lieutenant, a terror, apparently chosen for the precise purpose of making their existence more insufferable. This officer had a most exaggerated idea of himself and the duties allotted to him. He assumed the attitude of a small despot, free to dispose as he willed of the lives of his subjects. He even seized offenders on the ground that they had murmured against him personally. Like our former tyrant on Lampedusa, he thought his superiors too kind-hearted. He boasted that since 1919 he had served as a member of the widely known Fascist *squadre d'azione* in setting fires, sacking homes and offices, and beating the enemies of Fascism.

Friends transferred from Ustica to Lipari brought us these miserable tidings of life on that other island of unhappiness.

I WAS on Lipari from March, 1927, to July, 1929, or more than two years. My recollections of that time of hardship and of misery are only too clear. The island contains about 12,000 inhabitants, of whom approximately 5,000 live in the village of Lipari and the remainder in the surrounding country. For many years, Lipari was the island to which were deported ordinary prisoners, who left behind them unhappy memories of violence and crime. Today, it contains the largest island colony of political prisoners, about 500 being crowded into the most inadequate space.

The *deportés* are not allowed to leave the centre of the village. We were permitted to walk along only two of the wider streets which were picketed by detachments of Fascist militia. A number of narrow, dirty side streets completed the area in which we could move about. We could leave our houses after seven o'clock in the morning, and were required to return before seven in the evening during the winter and before nine during the summer.

THE *deportés* were housed in the large rooms of the mediæval castle which from the height of a rock dominates the surrounding sea. Some of us were able to obtain permission to live in private houses in the village, where we paid very high rents. Living was most expensive, as the tradesmen were bound to profit from the "foreigner" who had come against his will to live on the island.

Most of the natives were fishermen, small shopkeepers, or peasants, all of a very meagre culture. In general, they treated the political *deportés* with great respect, but were fearful of us, in the knowledge that the police might arrest anybody who came near one of the prisoners.

Every morning at eight o'clock, there was a general roll call of the prisoners, followed by a distribution of the governmental subsidy of ten lire per head. The subsidy was not enough even to satisfy the appetite for food. A small number of the *deportés* received help from their families, and so were able to live not too miserably. Those who had

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their wives and children with them suffered the greatest privation. It was very hard to find work, and that which could be found was most uncertain and badly paid.

A Fascist militia detachment of two hundred men and three officers, another hundred Carabinieri, and a small force of police kept a severe and untiring surveillance on the prisoners. There was a picket at every corner. In the streets everywhere we encountered militia, Carabinieri, and police. A chain of sentinels guarded the outskirts of the village on the land side; and, at sea, cruised three fast motor boats armed with machine guns and equipped with radio. A small warship presided over this little squadron. There were also smaller police motor boats, searchlights, semaphores, and a powerful radio station in the castle which unites the island with the naval bases at Messina, Trapani, and Palermo.

My state of mind after a few months of life in such surroundings was sad. Kept under especial surveillance with a few others, deprived of any possibility of work, forced to follow daily a life both monotonous and humiliating, my spirit struggled toward freedom as a man deprived of water strives to reach the spring. My only comfort was in association with the friends around me, the flower of Italian culture and political education, among them Emilio Lussu, member of Parliament for two terms, and Carlo Rosselli, professor of political economy at the University of Florence.

Lussu had been an officer in the Army for eight years. He had fought in the World War as a captain in the celebrated Brigata Sassari, composed of soldiers from Sardinia, and had won four medals for valor on the field of action. After the war, he became chief of the Democratic Party in Sardinia, the strongest anti-Fascist political group on the island. Lussu fought the Fascist dictatorship fiercely and incessantly, in Parliament and in the press. Persecuted and deprived of his parliamentary immunity, he finally was arrested and imprisoned for ten months at Cagliari. He was tried and acquitted, but Mussolini ordered that he be deported to Lipari. He arrived in chains, like a common criminal, with five years of exile in prospect.

Rosselli also had served as an officer during the war. After it, he entered the ranks of the Social Democrats, and contributed largely to the escape from Italy in 1926 of the party leader, Filippo Turati, whose life was menaced by the Fascists. For this, Rosselli was condemned to ten months' imprisonment, and was then deported to serve a five-year term on Lipari.

There on the island, Lussu, Rosselli and I resolved to unite our skill and ingenuity for escape from our misery. For almost a year and a half, we studied our plan and prepared a project with the most meticulous care, despite the fact that all three of us were kept under watch. Lussu always was followed by agents during his brief walks, and his residence was guarded day and night. Every evening, a patrol passed our habitations to assure themselves that we had re-entered for the night. With the greatest prudence, we tried to

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live in such a manner as to eliminate this constant suspicion. Lussu, for example, having been gravely ill, continued after his recovery to behave as though still very weak. He rarely went out. He retired early every evening, frequently saying that he had to be careful in order to assure his recovery. Little by little, he seemed to convince his guards that he was in no condition to undertake a risky enterprise.

In the meantime, by mysterious ways, we communicated with political friends resident abroad. For obvious reasons, I am not at liberty to disclose the channel through which we effected this communication. Suffice it to say that these friends had promised us effective assistance. They made good those promises. After long months of bitterness, disillusionment, untiring effort, and unheard of suffering, the time came for us to shake off our chains. . . .

IT IS 8:30 in the evening of July 27, 1929. We know that our friends are coming to fetch us. They are coming in a fast motor boat from a distant coast, risking everything that we may be free again. Fortunately for us all, it is a beautiful evening. Soon the Fascist bugle will sound *Ritirata*, calling all the exiles into their quarters for the night. By divers routes, having devised our several means for eluding the vigilance of our guards, we three are to reach the shore, and make our separate ways to the appointed rendezvous.

I reach the water's edge at a rocky point, dark and deserted and yet only a few yards away from the lights of the village. From where I am, in the obscurity, I can see near-by the brightly illuminated village square on the waterfront. Before me on the water lie numerous fishing craft with their riding lights shining through the night. In the port proper are the police boats, and on the quays detachments of Fascist militia. My companions and I must reach the rescue boat only a few yards distant and yet invisible in the darkness.

To reach the spot agreed upon, I must cover a part of the coast patrolled by two vigilant detachments of our guards. We have made a long and accurate study of the placing and the habits of these patrols; and, by means of knowledge thus acquired, I hope to elude their watchfulness.

IT IS now 8:45 or thereabouts. Dressed as I am, I throw myself into the sea, and swim along the shore at a safe distance for about one hundred and fifty yards to the point of the rendezvous. I am the first to reach the spot. Where is our boat?

Our rescuers have been given the most detailed information concerning the island and particularly regarding the point at which they were to take us off. Aboard the rescue ship, I know, is a very dear friend, who served two years on Lipari and was then put at liberty. He had gone abroad later from Italy secretly, and had coöperated with our other friends in the project for our rescue. Now, I know, he is in charge of guiding the rescue boat to the point of rendezvous he knows so well from his two years of suffering. I have faith in his enterprise.

The Fascist bugle sounds *Ritirata* as I reach the shore at the appointed

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spot. It is nine o'clock, the time when the exiles must be in their quarters. For a few minutes, I wait impatiently in a state of anxiety beyond description. Where are Lussu and Rosselli? I imagine the most tragic possibilities. Have they been discovered and arrested? The sound of a motor coming from over the water makes me tremble. It draws nearer — nearer — nearer. A long shadow, of solid black, creeps into my vision. Then — I recognize my friends. Eagerly, I plunge into the water and swim to the craft.

Clambering aboard, I am received with all the manifestations of the warmest affection. It is a moment of high emotion. After thirty-one months of prison and exile, I am filled with a feeling of liberty. I urge my friends to shut off the motor so as to eliminate its noise. In an indescribable state of mind, we wait in silence for Lussu and Rosselli. They do not come! They are not coming? What to do?

It is almost 9:40. In a short time, the control patrol of the village will be visiting the habitations of the exiles and will discover our absence and give the alarm. Hundreds of men will begin scouring the island for us, and police boats will search the sea. Suddenly, we notice that the current has been carrying us toward the port into the zone of light. Instantly, oars are pressed into service to check the perilous drift. Now we can see the people walking in the lighted square, among them the soldiers, the Carabinieri, and the Fascist officers. Near-by are the fishing boats, with men aboard who at any moment may denounce to the authorities this strange craft, without lights, that rises and falls with the waves of the harbor.

We pass through dramatic moments, but the very audacity of the thing saves us. Nobody conceives of the presence of an intruding craft. Perhaps our resemblance to certain of the police boats is our salvation. We escape from our perilous position.

About 9:45, we hear sounds ashore. Soon afterward, we see the heads of two men swimming vigorously in our direction. Discarding all caution, we start the motor, and head our boat in their direction. In an instant, Lussu and Rosselli are aboard. In another, we are rushing away with all speed.

We know that, in a few minutes, the village will be in an uproar, and the hunt will be on. But our first thought is of the sea. We have a slight advantage on our pursuers, and we are sure it will prove sufficient. At a fantastic speed, we double the extreme cape of the island and then that of the neighboring island, Vulcano, and drive into the open sea. Without relaxation, we plunge on thus through the entire night. The day brings a land of freedom.

Lussu and Rosselli tell us why they were late. Lussu, disguised as an old islander, had been compelled at the last minute to change his route in order to avoid a Fascist patrol which that evening had appeared at a place where none had ever been before. Rosselli had been forced to hide himself to escape various patrols which had appeared unexpectedly as he made his way to the shore.

Unfortunately, since our escape,

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life on the islands has become more miserable for our friends. One, Paolo Fabbri, whose term was soon to have expired, has been arrested on charges of complicity. He, like our other best and dearest friends on the island, was absolutely in the dark as to our plans. Absolute secrecy was most essential to our success. Rosselli's wife, an Englishwoman, was arrested while spending the summer in Piedmont, and was released only after a lively campaign in the British press against such a mediæval act of reprisal. Rosselli's brother, a student of history never in politics, was seized and exiled to Ustica, where he suffers all the hardships of a cruel régime.

Our joy in our regained liberty is marred by the thought of so many of our citizens still languishing in the prisons and on the islands.

The Great God Gab

By P. W. Wilson

Seeking the great orators of today, a well-known public speaker finds none, and declares that oratory has been smothered in a welter of words

It is with a certain engaging candor that an appreciative editor has asked of me, the perpetrator of a thousand speeches, the sensible yet searching question whether I do not think that, after all, the art of oratory is obsolete. Where, he inquires sadly, can we find the Demosthenes of the Twentieth Century — the Daniel Webster — the William Ewart Gladstone? Bryan has passed away, Coolidge is silent, Hoover reads from a document, and despite Lloyd George, despite Borah, despite Briand and other oratorical mediocrities, there is no longer a Cicero to be heard.

The question, thus raised, is certainly pertinent to the epoch through which we are passing. Of the floodtide of time which we call the Twentieth Century, three decades are all but complete, and mankind has been swept from the moorings. The whole world — barbaric and civilized, America as well as Africa, Europe as well as Asia — has been rent by a revolution, without precedent in its violence to accepted tradition.

No longer do we dwell upon our planet. We travel, as it were, in an airplane, detached from the environing landscape, and our only sensation is rapid movement. In estimating the worth of our progress, we should take into account not only what we gain but what we lose; and oratory, like the pantomime or the pack-horse, should be included.

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Not always do we realize the full force of the impact which is shaking the fabric of civilization. It is not only institutions, churches, temples, mosques and synagogues, to say nothing of armies and navies, that have crumbled and even collapsed. Faiths are shaken which were firmly held. Fashions are transformed, customs discontinued, restraints broken asunder, etiquette obliterated, marriage is modernized and crime, like war, is elevated to a science. It is thus not only to faith and tradition that the Twentieth Century has issued an ultimatum. The Modern is equally an attack on art, and the question, where are the orators? is only one element in a larger and more searching question.

It is here that we need to be exceedingly clear as to our definitions. Are we right in describing Oratory as an art, comparable with poetry and painting? The Greeks did not think so. Among the nine Muses, you will find Melpomene, with her tragic countenance, and Terpsichore, tripping on her toes. But you will not find Oratory. For some reason, the orator is denied a passport to Mount Helicon, and his disability is expressed in a somewhat brusque phrase. We are told that Oratory is not an art, but the harlot of the arts.

TO MAKE the point plain, let us contrast oratory with acting and the dance — over in a moment and surviving thereafter as no more than a fading memory. But between a number performed, let us say, by Ruth St. Denis, and a smart repartee by Lady Astor in the House of Commons, there is after all a certain dissimilarity. Let us suppose that Lady Astor, like Ruth St. Denis, is radiant with admiration, hope and love. Even so, when she snubs Mr. Kirkwood of Glasgow, she has to limit these impulses to the end immediately to be served. Every orator's language and allusions are subordinate to the day's business, which is strictly to achieve a result — to enlighten, to persuade, to remind, to solemnize, to convert an audience usually less awake than himself and, in any case, preoccupied. A bad speech that "puts it over" is better than a good speech that fails to "put it over," and at Westminster an exordium, perhaps the most effective ever uttered, consisted of the words, "And so, my Lords."

BUT in the dance and in acting, Art, though fleeting in its vehicle, exists for the truth and beauty in itself which themselves are immortal. It may, like a butterfly, glow and glitter for a day alone, but the glow and glitter are glimpses of the beatific vision which is eternal. Never were there finer speeches than the speeches in which Sir Robert Peel denounced the Corn Laws. Never were speeches heard and read with a more intense enthusiasm. Yet who, today, would dream of chartering a theater in order to deliver those speeches? When, however, the maidens of the East strike an attitude that expresses an emotion, when a Kean or an Irving "creates a part" and impresses it upon his generation, we have that "thing of beauty" which is "a joy forever," and —

> Its loveliness increases; it will never
> Pass into nothingness.

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Studying archaic papyri, a perpetual dynasty of interpreters will emulate that original legend of the sublime. Of Oratory as an art, it is thus the essence that it suits the occasion, and that, when the occasion is over, the spell is broken.

LET us extol, then, the orators of the past, but let us not forget that their exploits are, as a rule, no matter of record but only of a vague and unsubstantial tradition. It is said that, in the Eighteenth Century, the greatest speech delivered in the English language was Sheridan's denunciation of the treatment inflicted by Warren Hastings upon the Princesses of Oude. But not a sentence of it remains. Indeed, of all oratory, once so impressive, it may be said that nothing survives, except those few phrases and fragments which can stand a test, transcending immediate utility, the test of literature. Christ spoke as never man spake, but it is His gems of utterance alone that today echo in our ears. St. Paul's discourse at Athens, obviously a great argument, can be read, as it reaches us, in two minutes.

Even where it is a case of *litera scripta manet*, we judge of our orators, not by their perorations but by their phrases. What do we recall of Pitt's famous rhetoric except that, in his final words at the Guildhall, he spoke of England saving herself by her endeavors and Europe by her example? Or of Canning's eloquence except that, impromptu, he boasted of summoning the New World to redress the balance of the Old? My own hero was Gladstone, and of his gorgeous declamations I doubt if I could quote three sentences. So much depends on the personality, the voice, the applause. If the speeches of Mark Antony and Portia are immortal, it is because drama surrounds them with the setting. On the stage, we see their effect. But in the press today, a speech, if too important to be ignored, is only printed without those parentheses —cheers, laughter, interruptions— which suggest what the Greeks would call the chorus. We serve up our eloquence cold, and usually it is in print before a word of it has been spoken. The cold arises out of cold storage.

THE weakness of Oratory is thus that it can be imperishable only in so far as it is something greater than and different from its essential self. Take the Gettysburg Address. Every word of it was written before it was uttered, and utterance was merely an accident. As a proclamation, as an editorial, the Address would have been still supreme. So with Newman's sermons; they are of the same quality as Pascal. Indeed, the Philippics of Cicero, or an oration by Burke, do not differ as art from a chapter by Gibbon or an essay by Macaulay. If, moreover, we had actually to sit through one of those speeches by which Burke earned the reputation of being the dinnerbell of the House of Commons, we might sigh for an hour of Borah or Lloyd George. The very fact that this oratory suits us, means that it did not suit the victims on whom originally it was inflicted. It was that kind of oratory about which, as we endure it, we moan, "But it will read well."

They who suggest that oratory is obsolete, are the dupes, then, of a

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fallacy. They are judging of the art, if art it be, not by its appeal to the contemporaries for whom alone the art is intended, but by its faint echoes at a later date. Whether Lloyd George, Briand and Borah are as great orators as Cicero and Demosthenes, we shall never have the means of knowing. There is no yardstick, as President Hoover would put it, with which to measure such parity. This, however, can be asserted. Neither Cicero nor Demosthenes, as an orator, achieved the actual results in policy and administration which are plainly attributable to the utterances of their successors. The orator of today raises armies and disbands them, builds ships and scraps them, borrows his billions, levies his taxes, insures the aged, dashes the goblet from the very lips of the thirsty, and settles the issues of peace and war. Test oratory by the only test that applies to it, namely, efficiency, and never has there been an era so ruled by oratory as our own. To democracy and even to dictatorship, the practice of persuasion has become an imperative necessity.

It is no wonder, then, that Oratory, so far from declining in the Twentieth Century, has never flourished at any time with so triumphant an exuberance. Any idea, any hope, that the speech which is merely silver may yield one day to the silence which is golden, must be dismissed. A hundred years ago, a speech was an event, and, in most countries, a crime against society. The particular objection to Protestantism, and especially Nonconformity, was that the preacher was substituted for the prelate and the priest, who were content with the service book. It was because Parliaments were "talking shops" that monarchs detested them.

But the Oratory which yesterday was an achievement, is today an atmosphere. Here and there, a benefactor of mankind like Mussolini, convinced that one person alone should talk at once, denounces "Parliamentarism," and reduces the most vocal of nations to the quietude of Rigoletto. Surveying the world as a whole, however, we find that Parliaments become, not only more numerous but more noisy: if Italy attains to Nirvana, it only means that India, with four times the population, reorganizes her mysticism as an auditorium. In the Parliament of Pitt, few save Pitt dared to speak. Orators today may not be as polished in their periods as their predecessors, but they find safety in numbers.

In the English Speaking Commonwealth, never have there been so many pulpits in so many churches, so many rostra in so many legislatures, so many professors in so many chairs in so many colleges and universities, so many lectures advertised with optimism in columns announcing amusements, so many courts of law where perspiring advocates prance to their own prating and induce juries to discern justice in gesticulation. Loquacity has lengthened our luncheons and our banquets are prolonged by what, too often, is post-prandial balderdash. Even in the home, there is usually some friend who, inadvertently tuning to the correct wave length, turns on a tap against which to be deaf is the only defense.

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We are warned that the love of money is the root of all evil. If we have, perhaps, too much of this blessing called oratory, it may be because it is a blessing that falls on him who gives as well as those who receive. Even announcers, not content with declaring their own names, indulge in what the history of conversation celebrates as "a mouthful." It is the public that is to blame. In days when all of us are orators, you would suppose that audiences, being a minority, would suffer. Not at all. They like being lectured and pay the potentates of the platform at a higher rate than they pay doctors, dentists, or clergy. It is not the fault of the orator if sometimes he talks rubbish at ten dollars a minute. Demand creates the supply and even rhetoric must submit to economic law. The trouble with this kind of oratory is not that it has declined. On the contrary, it is in the ascendant. We are witnessing the avatar of the Great God Gab.

GENUINE oratory is designed to bring men to genuine decisions. It is art with an aim. But what of these lectures? Many are genuinely informative and valuable as clearing away prejudice. But others, particularly when classified as inspirational, are merely an attempt by oratory to be an art for art's sake. Here is talk, not for the purpose of proving a man to be a traitor, or saving his soul from hell, or winning a vote for some reform, but solely for the purpose of talking. People listen, moreover, not in order to learn, or to be convinced, or to repent, but for the sake of listening. Amid the ills of life, they look upon rhetoric as Tennyson regarded his rhymes. Perorations are endured as "a dull narcotic numbing pain." They pass in at one ear, out at the other, and in passing, fondle, as it were, the wearied and worried brain, also soothing the outer edges of frayed nerves. An English bishop, so it is said, went on tour in the United States. His first address was coldly received. He cut out half his points and diluted the rest, and enthusiasm developed. When his points were reduced to twenty-five per cent, his success was fully achieved. So, at least, he says. But I have also heard what American audiences think of English bishops.

THE vogue in eminent authors also is coming to a desirable termination. At home, their friends know that, being able to write, they can not talk. But a magnet draws them across the Atlantic, they are advertised, appear before the footlights, are seen, and everybody goes away entirely satisfied, including the distinguished author with his dollars. It is magnificent but it demonstrates that, if oratory is not always literature, neither is literature always oratory.

In the Twentieth Century, we are deluged, then, with a veritable avalanche of insistent verbiage. We talk about the mass production of goods. But what are a few thousands of automobiles a day, a million or two pairs of boots, even a billion cigarettes and safety pins, compared with the daily production of quadrillions and quintillions of words? Probably the greatest work of art in the world is the Venus of Milo. Yet not one word desecrates that loveliness; the lady and the genius who created her are alike anonymous. Why do we, in

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our wisdom, fill our world with utterance? Walk along a street, and words flash from sky signs, glow on the pavement, and roar from uplifted foghorns. Buy a pound of tea, and fifty words explain its virtues where none would suffice. Drive along the Boston Post Road, and the scenery is reduced to a mere background for a vista of words — so many miles to this hotel, so many cents for this chicken dinner, and so many British defeated on this battlefield. The very sky is today obscured with words suitably suggested by literary airplanes, emitting smoke; and aviators, as they loop the loop, release a magnified elocution into the astonished empyrean.

In earlier centuries, a word really cost something. If uttered, it could be heard by only a handful of people. If recorded, it had to be written by hand with a pen on parchment or linen paper; and no mechanical duplication was possible. A man thought before he spoke. He thought a thousand times before he produced a manuscript. Even a hundred years ago, a man was content to gossip with his friends at the village pub, and a woman discussed her neighbors at the well. But what about the village green today? It has been extended by electricity across the Atlantic and eavesdroppers listen not through keyholes but on party lines and wireless stations.

Inevitably, this mass production of words has led to mass loquacity. It is much more wonderful to talk platitudes across an ocean than it is to indulge in sound sense over a cup of tea. Our fathers were missionaries. They preached a gospel. We are trans-missionaries. To us, it is the transmission, not the thing, that really matters. Doubtless it is a phase, but we have still to get over it. However amazing may be this mechanism, we have to recognize that mechanism is not our master but our servant. The gramophone, the radio, the loud speaker, the talking picture, increase the range of rhetoric, but so far from refining it, they tend to eliminate the nuances of the voice; they separate the orator from that communion with the crowd which is the very breath of his being. They are not helps but hindrances, and the man who is inspired to eloquence by a metal disc, muzzling his mouth, has yet to be discovered.

The output of uttered words is thus abundant. It is not over the quantity of eloquence that we need to be anxious, only the quality. If we insist on talking, let us talk well.

The orator, like the aristocrat, used to be "born." But, for aristocracy and art alike, we have abolished the hereditary principle. Everybody nowadays is expected to be as fluent as a politician. Reading, writing and arithmetic used to be the three R's. Oratory is the fourth. It is what, in schools and colleges, our grammar allows us to call "a compulsory subject."

We are told by experts that hitherto we have used, at most, only one-tenth of our brains. It is in order to stimulate the latent preponderance of unemployed intellect that we attempt the task called education, and undoubtedly there are results. *The Manchester Guardian* has held a competition in which children of

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fifteen years were asked to draw pictures of their fathers and mothers. The sequel was a veritable revelation of unsuspected ability to execute a passable likeness of a familiar face. As with the pencil, so with the tongue. The maxim that a child should be seen and not heard, is rejected. Years before a youngster can have anything to say, he is encouraged to say it, and such a habit, once acquired, is not likely to be lost in later life.

YOUTH, of course, knows its own business best, and in the manufacture of orators, as of athletes, there have been great improvements. When I was at Cambridge, I made it a rule to spend an hour in solitary preparation for every minute that I was to speak. I suppose that I was foolish but, at least, I was President of the Union in my second year. Once only did I speak against my convictions, and then for a wager, nor shall I ever forget the silent disapproval of my college debating society. But in these days intercollegiate debates are variants of football, and arguments are organized like "plays," each team appearing with its card index of points to be made and answered. As for convictions, they are dictated by the coach, and it is assumed that if everybody at Vassar has decided to believe in companionate marriage, everybody at Cornell must live happily ever after. The whole object of the education is to substitute the mentality of a group for the responsible and courageous initiative of the individual.

There is thus no fear whatever that the citizen of the future will be unequal to the task of proposing a vote of thanks or presiding over those Lions, Tigers and Elks who today accelerate evolution and humanize zoölogy. For convivialities, there is, after all, a reason. They draw citizens of diverse groups into the one commonwealth, and the great ceremonial known as "getting together," including vocal tributes to *Sweet Adeline*, whoever Sweet Adeline may have been, is not without a justification. But there are two ways of conducting these functions, and it is worth while to put the best that we have, not merely the loudest, into them.

PENDING the arrival of trained reserves of rhetoric from Harvard and Princeton — if I may be permitted, without bloodshed, to mention these universities in the same paragraph — some of us old fogies have, as it were, to carry on to the best of our effete ability. I think that, on the whole, we might devote more time than we do to the study of our rhetorical outbursts. Many an opportunity of contributing to the mind of the community is thrown away by men of influence who do not even pretend to offer their best. No woman makes this mistake. When a woman appears on the programme, she devotes as much attention to her adverbs and adjectives as she gives to her dress and her hair. She respects the audience and no audience, so respected, fails to return the compliment. Let a man listen to any responsible woman in public life and he will learn what Oratory, even at the average, deserves of her exponents.

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The Smile of Buddha

By H. M. K. Smith

A Chinese Fantasy

The nightingales, in the pear trees by the wall, were still. The darkness of a night heavy with the perfume of *ylang-ylang* and oleanders lifted itself slowly from the tops of the pine trees which climbed away over the hills, like a procession of stooped and shadowy ghosts. The light of the last stars grew fainter, and far out upon the yellow seas of China, the waves began to take on the faint glimmering of dawn.

A little wind was born of the morning. It rose first to the extremities of the green *ting* flowers and then came hesitating like one of the new dancers in the Emperor's palace beneath the cypress and pines. It wandered among the willows and the hibiscus and lingered over the fretting face of the sacred lake. Between the frail stems of young and graceful bamboos the myrtle vines and the sweetbriers began to whisper to each other, and the crimson plumes of the Passion of Buddha bowed in stately greeting to the snowy blossoms of the pomegranates.

The gray stone fretwork of the temple took form in twisting dragons damp with the night mists, and the lions of Buddha cast in white porcelain glittered like wet silver in the increasing light. The lotus buds shook the dew drops from their tinted eyelids and turned their faces slowly toward the east. From within the temple, booming and quivering through the whispering garden, came the call of a great bronze bell, and following close upon it the chiming of myriad other bells of silver and of bronze.

The sacred storks stretched their wings and came down to poke among the lily pads for gold fish, and from beyond the walls of the garden, tiled with glazed china, drifted the first sounds of the wakening city below. The cries of the vendors of oranges, the calls of the bearers of sedan chairs and of 'rickshaw coolies, mingled with the songs of the boatmen faintly high and the shrill, happy laughter of the early bathers. Pale coral tinted mists began to rise upon the tawny face of the river, and in the distance slow moving junks tugged at their moorings.

From the rear of the temple, in the white robes of a novice, came a tall slender youth with a grave and thoughtful face. As he walked he read from tablets of ivory, knitting his brow as though he could not

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understand that which was written or as though he searched for something which he could not find.

"Tao," he read, "is the source of everything; of heaven and earth; of the trees, the flowers and the birds, of the sea, the desert and the rocks; of heat and cold, of day and night, of summer and winter, and of the life of man; man rises out of darkness, laughs in the glimmering light, weeps in shadows and disappears. But in all these changes, the *One* is manifested. 'Tao' is all Life: all Life is 'Tao.' To know this harmony is to know the eternal. To increase life is to know blessedness. To be conscious of the inner fecundity of 'Tao' in the life of man is strength. It is but 'Tao' in the innermost soul which gives life to the children of men, nurses them, protects, matures and completes them."

So read the boy with troubled eyes. Then with an impatient gesture he flung the tablets aside and hurried onward to the lake, unfastening his garments as he went so that he stood quite naked among the undulating rushes at the water's edge. He threw back his head and smiled as he mounted a flat rock and stood for an instant with joined finger tips. He dove with a flashing of ivory limbs into the water, causing a sudden panic among the gold fish. Then rising, he shook the water from his eyes and hair, swam slowly around the lake back to where his white garments lay like a bit of drifted snow against the green.

For a long time he lay upon the flat rock with his arms outstretched, his long pale fingers touching the water on either side. Close to his head a white lotus flower swayed with the rhythm of the water and, turning suddenly, he drew it close and pressed his mouth deep into its golden cup. As he lay there, his lips seeking the heart of the lily, he trembled and his face and neck flushed to the faint pink of nautilus shells. He rose hastily and began to pick up his garments from the grass. Half clothed, he stopped and a curious look came into his slanted black eyes as two great yellow butterflies began to circle around each other before him. Vaguely fearful, they brushed sulphur tinted wings, yet vibrated with desire to creep into the heart of the datura buds to that marriage and death that to them must be one. The troubled look deepened as he looked upward to where the storks, high on the holy gate, caressed each other by their still unfinished nest, nor did it leave him as he picked up the ivory tablets and hurried into the temple.

The bells rang again, and the great carved and gilded doors swung open. The bitter sweet odor of incense so dear to the shadowy guardians of the temple floated out to mingle with the odors of the garden, and the morning wind stirred the curtains and streamers of silk embroidered in gold with the sutras of Buddah. The sun burst in through the opened doors and shone full upon the life-sized golden god, silent, inscrutable, majestic. About the august lips there hovered the shadow of a smile, a smile affable, ironical, majestic, yet at the same time strangely and wistfully sweet. In vestments heavy with gold and with dazzling jewels upon his brow, he sat upon a

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lotus leaf of bronze supported by four elephants' tusks, minutely and wonderfully carved. So he had sat for a thousand years, and through those thousand years it had never changed, that smile so terrifying in its mystery and yet so sadly and ineffably sweet.

THROUGH curtains of scarlet, the white clothed novice appeared, supporting the aged priest of the temple. The ancient one wore a robe of yellow silk upon which fantastic symbols were embroidered in black, and a cap of black velvet which threw his pale expressionless face into the grotesque relief of an old and hideous ivory mask. Leaning heavily upon the boy's arm, the aged priest advanced to the shrine and with great difficulty prostrated himself and touched his forehead to the floor. With much hissing and intaking of breath he mumbled the morning devotions to Buddha in a voice as dull and expressionless as his face. With even greater difficulty he rose again and as he left the shrine he fumbled in his bosom, drawing from it a tiny pipe of brass to which he muttered as though it were a living thing. The boy turned his face away as from an odor that sickens.

Returning, the novice began to place fresh incense in the burners of brass and copper, brushing from their bases the ashes of incense already burned. He trimmed the wicks of the ruby lamps, and then from a recess he brought forth a box of gold lacquer and brushes and began to regild the massive screens which stood to the right and to the left of the shrine. But always as he worked, his lips moved as though he pronounced a name, stopping with poised brush to look over his shoulder toward the bridge of blue and white porcelain which led from the garden of the Governor's palace beyond.

This was the last day of her coming. For twenty-nine successive days she had come to the temple, that fairest of all the flowers of heaven and earth, the young and childless wife of the Governor, the great Chi-Tai of the Province of Hunan. For twenty-nine successive days she had prayed with many gifts and sacrifices, that she might bear her lord a son. The Governor, who was old, looked upon her with growing coldness and disfavor in this second year of their marriage, for he had no son to bear his name nor to pray for him when he should be called to his ancestors. So it was that she had come for a full moon, a daily suppliant to the temple of the smiling god.

Pity at first had filled his boyish heart as she prayed for the great gift which had been denied her, this slender child wife, younger even than he. Then from day to day as he had looked upon the fair modesty of her beauty from the scarlet curtained recess which hid him from her eyes, that pity had grown into a deep and yearning tenderness which he did not, could not, know was love.

NOW that it had come, the thirtieth day and the last, strange thoughts troubled him: questions confronted him demanding answers which he could not find, and life now seemed a deeper, sadder mystery than he had ever dreamed. What was the secret of life? What was it that brought one so lovely, one who deserved all the gifts that the gods

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might bestow, a daily suppliant to the temple? Why should the gift of life be denied her, that gift so freely given to all the world, to all nature, to all living things? He had searched the holy books, but had found no answer, and to his questioning the old priest, his master, had replied as he chuckled over the richness of her gifts, "The gods are wont to smile upon those who give so freely and all will yet be well, all will yet be well."

WHAT above all was this strange unrest, this burning in his heart, that would not let him sleep? It was like a sea, like the broad heavens, like death. It hurt. It was a great flame searing out of his soul toward her. It was fearful, but so lovely and so infinitely great. Again the troubled look that the golden butterflies and the nesting storks had brought to his eyes flooded their dark depths, and again the pink of nautilus shells stained his skin to rose.

Sudden hate flamed in his heart against the Governor, so old and harsh with years, and then a terrible fear as he thought of the penalty for childlessness which is written in the law. A hundred evils could be heaped upon her, she must humble herself even to her servants, she might be cast out of her husband's house or sold into slavery, if it so pleased her lord.

The last day, and she would come no more. The benediction of her beauty would no longer rest upon his lonely secret life, nor the plaintive sound of her voice echo longer through the dim temple, more beautiful than the music of the wind harps. No longer could he gaze in secret upon a face more lovely than the stars, or feel that presence far gentler than the moon-flooded night of summer. Tears dimmed his eyes, and from the depth of his boy's soul there rose a great cry for compassion upon her, for the fulfillment of her hope, for an answer to her prayer.

His tears were bitter upon his lips as he prayed, but he did not know it. "All Life is in Thee, Creator of the World, Thou art all Life." Unheeded, the box of gold lacquer fell at his feet, and, overturning, covered them with shining gilt. He held out imploring hands toward the shrine, whispering: "Buddha the merciful, give me a sign, give me a sign." But Buddha sat as he had been sitting for a thousand years, calm, inscrutable, majestic; sat as before upon his lotus leaf of bronze, and smiled. There was no answer, and the young novice bowed his head in resignation to the will of his gods, and as he bowed his head still lower, his eyes fell dully to his gilded feet.

"Thou art all life, all life is in Thee."

Outside there was no sound save as the myrtles and the sweetbriers still whispered to each other, but the scarlet plumes of the Passion of Buddha bent still lower toward the unfolding and snowy blossoms of the pomegranates.

SLOWLY, slowly through the mist of tears those golden feet came into conscious vision. How like the feet of that One who sat upon the throne before him, that god who represented the great Mystery in which was all creation, all life. What did they mean, those feet of gold? He looked to that unchanging face and downward again to his feet.

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Then there came into his eyes the terror of an overwhelming question, and after that the flashing light of wonder and of truth — "Thou art all Life, all Life is in Thee."

High and clear now his voice rang through the temple, echoing back from the bells of silver and of bronze. His life, her life, all life was but one. That was the secret, the solution. Even as his golden feet were as the feet of Buddha, so was he in and of that thing which Buddha was, of Tao, of life itself, the great cause, the one source of creation. In his being lay the answer to her prayer. He, himself, was god. Higher and still higher rang that vibrant exultant cry, "Thou art all Life, all Life is in Thee."

THE wind stirred the curtains and streamers of silk so that the gold and silver dragons seemed to writhe and twist with life. The smoke of incense rose in circles of palest blue and amethyst to the face of Buddha, hiding for a little all that was terrifying and implacable and leaving only the sweet sadness of his eternal smile. At the foot of the shrine in a posture of supreme adoration knelt the figure of a boy in the white garments of a novice, a boy with strangely shining feet of gold.

The sun was high and the warm light of midday filled the garden, diffusing in its warmth the perfumes of jasmine, of Tonkinese aloes and sweet smelling lavender heliotrope. The lotus flowers lifted their crowns of ivory and gold from the waters of the sleeping lake and exposed their golden hearts to the sun. The storks perched with closed eyes high on the holy gate, and the gold fish dared to come forth again to play among the lily pads. In the cool green shadows of a shelter of bamboos, the old priest of the temple slept as only those sleep who are slaves of the poppy, and in his hand he still clutched the tiny pipe of brass.

From the Governor's palace came a procession headed by men at arms, wearing curious round helmets of varnished straw and with shoulder shields of linked brass laced with scarlet. Some carried fork shaped spears, lacquered in crimson and black, and others bore crossbows with quivers of arrows which were headed with sharks' teeth, polished and sharpened.

Servants followed wearing robes of blue, and then the great Chi-Tai himself, supported by two eunuchs and leaning upon a staff of ebony bound with silver straps and with a head of jasper. In spite of the warmth of the sun, he was wrapped in a cloak of the heavy brown silk of Canton trimmed with the fur of sables, and though the way was short, he stopped many times to rest.

AT THE foot of the temple bridge they waited for a sedan chair of carved and gilded teakwood, enclosed in a canopy of green silk upon which were painted brightly colored birds and flowers of every hue. Four eunuchs in robes of blue and apricot, and with their queues bound round their heads and held in place by pins of carved ivory and turquoise, bore the sedan chair upon their shoulders. Beside it walked six female slaves with black tunics over their pantaloons of white silk, turbans of lilac crêpe upon their heads, and carrying baskets of painted bam-

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boo. They prostrated themselves upon the ground as the sedan chair was lowered and a slender, veiled figure stepped from beneath its canopy of green.

The aged Governor raised a shaking hand to his sun-blinded eyes and said something in a high and threatening tone, which brought moans of anguish from the female slaves and caused the veiled woman to shudder as though she stood in a winter wind. Then turning away, the old man was helped into the sedan chair and, in a moment, the woman was alone save for her female slaves, her amahs, who still lay weeping upon the ground.

SLOWLY she moved across the bridge with its arches of blue and white porcelain, her tiny feet encased in satin shoes of blue and silver, the heels placed in the center of the foot. Her pantaloons and the long narrow coat were of sapphire blue satin, embossed with silver lilies and seed pearls. Her long delicate fingers were tipped with shields of gold set with turquoise and coral and heavy laden with rings set with pearls and rubies, opals and sea green jade. In her hands she carried long rosaries of amber and crystal beads, and under her heart glowed a great emerald, a magic charm for those who are childless. Covering her hair and surmounted by a wreath of jeweled flowers of every color, and falling almost to her feet, she wore a veil of silver tissue with a fringe of silver beads, as though she came as a bride to the temple of Buddha.

Behind her came the amahs, carrying the offerings in baskets of painted bamboo. Sticks of incense, musk, civet, ambergris and sandalwood tied into bundles with colored threads; little garments made of silk as though for a child; tiny caps made of gold and silver paper; prayers written on crimson tissue, bunches of marigolds and tuberoses, rice cakes, lichee nuts and sweets, a pair of white doves in a cage of rushes, and many strings of coin.

ENTERING the temple she made obeisance first before the family altars, where on ebony bases stood the tablets of white and scarlet nephrite bearing in letters of gold the spirit names of her husband's ancestors. Then advancing to the shrine, she prostrated herself, clapping her hands three times and touching her forehead to the floor. Behind her the amahs did likewise, and then, placing the offerings before her, they withdrew to the outer court of the temple where they squatted sleepily in the sunshine.

The slender sapphire figure moved forward to the shrine. In a brazier she burned the tiny caps of gold and silver paper and the prayers written on crimson tissue. On the steps of the altar she set the baskets of oranges and sweets, the doves in their cage of rushes and the tiny garments of silk. Through a slot in the floor she dropped the strings of coin and lighted the incense of musk and sandalwood. Then, casting into the sacred enclosure the little bunches of marigolds and tuberoses, she prostrated herself again and began in a plaintive monotone to recite the prayer of those who are childless:

Buddha, Tien, Eternal One,
Creator of the Universe, hear my prayer.
Weeping I kneel, in tears I come.
My heart is barren.

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I have no child.
What face shall I bear
When I come at last
To my holy ancestors?
Oh Buddha, Buddha look upon my agony,
Behold my tears.
Out of thy heart, give, oh give me, lord,
a child.

She sank sobbing to the floor, her fingers entwined in her rosaries of crystal and amber, the magic emerald beating with her heart. Shadows crept toward the shrine and the light grew pale and dim. She rose to her knees and in an agony of appeal she extended imploring hands toward the golden figure, the silent immutable god to whom she had prayed for a full moon in the bitterness of her disappointment and her despair.

Was it the wavering breath of incense, was it the trick of tears? Was it a miracle? She fell upon her face in terror for the god of gold had stretched out a hand toward her, the right hand which held the sacred lotus. Then in utter fear, she heard a voice, a voice throbbing with tenderness and with sadness, too. Yet as she listened fear left her heart and there came into it a strange exalting calm. As though from some far off celestial world, the words came drifting through the scented shadows.

Rise, daughter of Heaven,
Rise child of the stars,
Your prayer is heard.
Buddha himself, Creator of all Life,
Hears your prayer.
Out of Tao, the heart of Life
Shall your child be conceived
Favored of Heaven.

Step by step that majestic figure of gold descended from the shrine until it stood at last by the prostrate body in the marriage veil of silver tissue. Then half swooning she felt herself lifted to her feet by hands of living, throbbing gold and opened her eyes to look into those as pure as hers, eyes that held in their dark depths the secret of life and the answer to her prayers.

She saw through a light, not dazzling but calming and holy, the figure of her god by some miracle alive. He stood before her, tall and straight as a palm tree, his countenance as peaceful as a calm evening in the hush of trees and the still moonlight. He raised his hand with a gesture like the movement of a flower and held it out to her.

She placed her hand in his and her dream body soared aloft through space with a whirling of wings and of jade bells tinkling. She forgot the world. She was but the earthly form of formless Tao caught up by the rhythm of a movement through which the world came from, and must go back into, Life. She was in absolute reunion with Tao with whom she once was one. She was in union with her god.

Then slowly on clouds of perfume she drifted back to earth. She came as one who has but wakened from a dream of exquisite loveliness and with shining eyes. Slowly she walked with her eyes cast down, her lips moved as though in prayer as the amber and crystal beads slid through her fingers. The amahs looked with wonder upon the beauty of exaltation which shone like a light from her face, and whispered one to another — "See — see how the emerald glows upon her heart! Surely our beloved has seen a vision! Surely now our prayers shall be heard."

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Within the temple all was still, and the golden figure sat as before upon his throne, calm, inscrutable, majestic. At his feet lay withering bunches of marigolds and tuberoses, and from them rose acrid and bitter incense. Face downward among the faded flowers as though spent from ecstacy, lay a figure clothed also in vestments of gold, a figure like that of the young novice of the temple, and yet unlike, for hands and face and feet alike were lacquered heavily with gold. The light of the setting sun streamed into the temple from its western gate. It fell upon the head of him who lay before the shrine and upon the face of Buddha. Upon the lotus leaf of bronze he sat and smiled, and from the lips of the boy with the gilded face came an echo — "Thou art all Life, all Life is in Thee!" . . .

THE last of the snowflakes had fluttered to the brown earth and spring had wakened the garden again from its long sleep. The bamboos were already putting forth their tender green shoots and the plum trees and the white camelias were in flower, on the evening of the Day of Souls when the dead come back to earth.

The young priest of the temple walked slowly down the little path between the copper colored trunks of the pine trees which lead to the burial places. He carried in his hand a bamboo wand from which was suspended a white lantern and upon it in letters of black he had written the name of the old priest, his master, who slept now forever under a cover of pine needles. Very carefully he hung the lantern over the grave, so that the spirit might find its way, and then he ran quickly to the pear trees by the wall.

He climbed into the very top of the tallest of them from where for many nights now he had watched over the garden of the Governor's palace beyond.

He peered out from a cloud of pink and white blossoms toward a pavilion covered with jasmine which sent out a perfume that reached him even there in the swinging pink branches of the pear tree.

WHILE he sat watching the men at arms who guarded the pavilion as though it held the Governor's most priceless treasure, he made a little song —

Ah, jasmine with your starry crest,
Ne'er may they cut thee, ne'er molest,
For under thee, my love finds rest.

As he sat singing he could see servants and slaves hurrying to and from the pavilion with bronze lanterns and torches, and he climbed still higher into the pear tree, even as the moon was climbing higher into the star spangled sky. The silvery light flooded the garden, and his own body stood out in black relief against the face of the moon.

Now the astrologers in black robes and high pointed caps came forth from the pavilion to read the portent of the stars on this auspicious night, and the men-at-arms drew near to hear what the wise men should find written in the heavens. As the soothsayers lifted their dimmed eyes to the moon, behold a strange shadow seemed to cloud it and there was a murmuring among the wise ones as they bent again over their parchments to search out what evil omen

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that shadow might portend. But the captain of the guard, whose eyes were young and keen, lifted his cross-bow and the shrill song of an arrow wakened the little nightingales as they slept in the nest in the pear tree. When the astrologers raised their eyes again, behold, the shadow was gone from the face of the moon and they rejoiced: it was a good omen and they hurried into the pavilion to show the Governor and the learned physicians the wonders of the horoscope which they had cast.

FOR a long time, the slender body lay where it had fallen, and then slowly, painfully the dark young head was raised until it rested against the kindly brown roots of the pear tree. Slowly the hands wandered over the breast until they found the shaft of the arrow and when they had found it, there came upon the paling face a smile of wonderful sweetness and resignation. As he lay there he did not think of himself, nor that this was the end. He remembered rather that it was the Day of Souls, and that he had not as yet said the prayers which are written for the souls that might on this one night return to earth. He began the intonation, but each time he found himself whispering instead those prayers which are written for souls newly come to earth, the souls of little children newly born, those who in the holy books are called the smiles of Buddha. And because he was growing very tired he did not try to remember the other prayers, but said over and over again: "Smile, Oh, Lord of life upon this soul of thy creation." Softly the words came from his lips as though he were falling asleep. — "Smile, Oh, Lord of Life upon this soul of thy Creation."

Then suddenly through the stillness of that fair spring night there came a shouting from the Governor's palace with the beating of tomtoms and the deep song of drums. Silver trumpets sounded, there was the clang of cymbals; servants ran through the garden crying aloud for joy, waving colored lanterns, setting off long strings of fire crackers and clapping their hands with shrill words of happiness and congratulation.

At the foot of the pear tree, the boy still lay, and now a look of exquisite joy mingled with the agony of his suffering. He raised his head at the sounds of rejoicing, but after a little all was still again save only for the whisper of the pear blossoms as they fell upon the ever whitening hands still interlaced about the shaft of the arrow.

Then piercing the stillness, like the soft wailing of a three-toned flute, there came the faint crying of a new-born child.

AGAIN the pear trees bowed their flowery crowns with a shower of perfumed petals, and at their feet like ghost lilies two pale white hands arose bearing an arrow headed with a shark's tooth polished and sharpened and stained with red. A crimson stain spread over the white garment of him who lay so still, and from lips wreathed in a smile of utter tenderness and love there came so softly whispered that only the pear trees heard: "Smile, Oh, Lord of Life, upon this soul of thy creation!" "Smile, Oh, Lord," and then a long soft sigh.

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Sentimental Juries

By Imogen B. Oakley

A woman, untrammeled by preconceived notions about jury service, opens her eyes in wonder when initiated

The jury system is on trial. Extolled for centuries as the sure defense of the weak against the strong, the poor against the rich, it now stands before the bar of public opinion charged with serious offences against the society it has been supposed to protect. The prosecution accuses it of ignorance and incompetence and hints of proofs of venality. The defense claims that the evidence of the prosecution is incidental and circumstantial and that to accept it would be to destroy the strongest bulwark of democracy, and it cites specifically as dangerous to individual liberty the suggested plan of the Wickersham Commission to dispense with jury trials in certain Prohibition cases. Now, we women, new to jury service and unhampered by legal traditions, may judge the system with a naïve vision for the facts and realities. Hence, fresh from jury service, I feel justified in writing of my adventure and the opinions it has led me to form.

The selection of jurors for the county courts in my State is little more than a game of chance, as I discovered to my amazement when I answered a summons to serve on the jury in the Court of Quarter Sessions. Their names are chosen haphazard from the assessors' lists; many of the chosen find small difficulty in being excused; and no attempt is made or required to ascertain the mental and moral qualifications of such as remain to render the verdicts of the courts.

It is true that, shortly after being subpœnaed, I did receive, as presumably did all the other talesmen, an official paper on which I was requested to state my political and religious creeds and my habits of drink. Granting that private habits of drink have become matters of public concern, a citizen's political and religious beliefs are supposed under the law to be his own individual affairs. I sought the opportunity of asking the prosecuting attorney on what authority he sent me that paper. "On no authority at all," he answered. "We merely hoped that you and the other talesmen would not refuse the information, for it is really necessary to know the political and religious prejudices of the jurors. We have learned by sad experience that the average juror is reluctant to

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convict a prisoner of his own party or creed, and even more reluctant to concede the innocence of a religious or political opponent; and, of course, a juror who is a drinking man will never vote against a bootlegger."

BEFORE we assembled in the court-room, the eighty talesmen among whom I was numbered had been reduced by various excuses to forty-seven. The judge declared indignantly that there were not enough left to conduct the business of the court, and that no further excuses would be considered; nevertheless, he was obliged to excuse one man because he was an unnaturalized alien, and another because he was deaf. One woman was allowed to go home because she was so frightened that she was on the verge of hysteria and another, who was evidently a janitress or a charwoman, because she said that she would lose her job if she should stay away three weeks. A keen-eyed man with a north-of-Tweed burr, who whispered to me that he was the only man in the city able to make and fit together every part of a watch and who doubtless would have made a competent juror, was excused on the plea that the shop could not get along without him.

His departure left thirty-seven men and five women as available jurors. The majority of the men described themselves as grocers' clerks, plumbers' assistants, and chauffeurs, and several who were recorded on the assessors' list as "gents" declared that they were looking for jobs. A bit of leaven was added to this intellectually inert mass by a bank cashier, a young clergyman who might have been excused but felt it his duty to remain, and a middle-aged travelling salesman whose business had taught him much of human nature. It was the first time that women jurors had been supplied to that court, and though the judge welcomed us warmly, and said he hoped much from our conscientiousness, I could not feel that we raised the level of intelligence. In addition to my inexperienced self there were a colored woman, elderly and somnolent; a quiet young woman who said little but may have thought much; and two lively flappers — a word I use in no invidious sense, but merely as a synonym for youth and the joy of youth in trying its wings. They had attained the required age of twenty-one, but were still rejoicing in their expanding plumage. They had lipsticks and vanity cases which they used to the open interest and admiration of their young masculine fellow jurors.

BY THE chance which makes jurors I was assigned to the first panel, and took my seat in the jury box with eleven men. The case appeared simple. The colored driver of a wholesale grocer's delivery wagon was accused of selling a barrel of apples from the wagon and pocketing the money. The witnesses were chiefly ignorant colored men, fellow employees of the accused, and under the heckling of the lawyers they became confused and contradictory in their statements. The summing up of the lawyers, who each belittled the evidence of the other side, only deepened the mist of uncertainty which the judge's charge failed to dispel; and, enveloped in this mist, we retired to the jury room.

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The room was small, dark, and poorly ventilated. It was furnished with twelve chairs, a table, and an enormous spittoon, around which we gathered. Eleven pipes and cigarettes were promptly lighted. I felt that I could not see that spittoon put into active use, so I said, "Excuse me, gentlemen, but smoking is not allowed in court." "This is not court," responded one of the jurors, puffing vigorously at an unsavory pipe. "Excuse me again," I said, "but I should think that the room where the verdicts are considered must be a very inner sanctuary of the court. Shall we call the guard and ask him to refer the matter to the judge?" Pipes and cigarettes promptly disappeared. I have learned since from jurors of experience that it is quite customary for a jury to agree to disagree in order to go to the jury room for a smoke, and the foreman of a jury under investigation in a Pennsylvania court testified that he said to his fellow jurors, "Now, boys, we must take one more smoke all around or the judge will think we have not given enough time to this verdict."

THE smoking question being happily settled for my own jury, we were able to proceed to business, but when the roll was called no one was willing to vote either for or against the defendant. We were hopelessly befogged, and too new to our duties to know that a perplexed jury has the privilege of returning to the court room for further instructions. Finally the foreman said, "The judge told us that we must give the prisoner the benefit of any reasonable doubt. Now, the lawyers and the witnesses did nothing but contradict each other, we didn't understand the judge's charge, and we can't make head or tail of the case. In my opinion we are in a state of reasonable doubt, and if we are to give the prisoner the benefit of the doubt we must acquit him." All except myself applauded this solution of the problem. I felt far from certain that our total ignorance could be legally construed as reasonable doubt, but when the foreman said indignantly, "You are not going to stand out against eleven jurors, are you?" I hastened to assure him I was not, and he reported a unanimous verdict of "not guilty."

AT THE noon recess I asked the old and experienced crier, with whom I had established friendly relations, what he thought of the verdict. "Bum," he said, "absolutely bum. You have only to look at the man to know he is guilty."

This was disturbing, so I appealed to the prosecuting attorney, who had promised his aid when my ignorance should require enlightenment. He agreed with the crier. "We know the man is guilty," he said. "Why didn't you listen to the judge's charge?"

"I did," I replied. "We all did, but it made the case no clearer. But what can you expect of so ignorant and inexperienced a jury?"

"There, there," said the old crier, patting my arm. "Don't take it so hard. You'll soon learn. You've got the makin's of a good juror."

A few days later I found myself empaneled with the two flappers and several of their admirers. The case concerned a street fight. Two colored toughs had disturbed the peace and

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dignity of the Commonwealth by hitting each other in public, and it became the duty of the jury to decide which had hit the other first. The vote in the box stood eight to four in favor of the defendant, and we were sent to the jury room to come to an agreement. In recalling the evidence furnished by the witnesses, one of the flappers said we must remember that in a previous fight the plaintiff had been the first to attack, and quite probably he was again the aggressor. She was reminded that the judge had particularly charged us that the previous fight had no connection with this one, and that we must forget it. "Well," said the flapper, "I guess we must go by what the witnesses *say*, and I guess I know what that witness *said*. I guess I know as much as the judge about *that*."

The two flappers agreed on this, and six admiring young men found their arguments convincing. The vote continued eight to four, and it began to look as if the foreman would have to report a disagreement, when the clergyman, who was with me in the minority, came to me and said, "These young people are so young that they know it all, and they will never yield. Have you a firm conviction that the defendant is guilty?"

"No," I answered, "I think merely that the evidence seems to point that way."

"Do you think," he asked, "that it makes any difference to society which of these two toughs hit the other first?" "No," I said, "I don't." "Then why should we not vote with the majority and save the State the expense of a new trial of such a silly case?"

I agreed. The two other members of the minority agreed, and the foreman reported a unanimous decision in favor of the defendant. The old crier was contemptuous when I sought his opinion of the verdict, and the prosecuting attorney asked despairingly, "Why do you never listen to the judge's charge?" "Four of us did listen," I told him, "and voted to convict, but the young people would have it their way." The attorney sighed, "You never can tell what a jury will do."

Two cases of homicide varied the lists of petty larceny, assault and battery and accusations of financial crookedness which made up our daily schedule, but we women were excused from court during the trials of the murderers as there was no place to put us should we be empaneled and compelled to remain over night. I chose, however, to return to the courtroom every morning, and by listening to the witnesses and the rulings of the court to increase my knowledge of legal procedure. I did not fail to observe that the lawyers on both sides made many challenges. Before the necessary twelve men were finally selected every talesman had been called and questioned. I was curious to know the reasons for the challenges, and at my first opportunity appealed to the prosecuting attorney. "You promised to superintend my legal education," I reminded him. "Am I permitted to ask why you challenged so many of the jurors?"

"Do you mean to say," he answered, "that you did not grasp my

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reasons? They were sufficiently obvious. I challenged all those men because of their congenital stupidity. Two-thirds of those jurors haven't enough common sense to bring a verdict in petty larceny. What do you suppose they would do in a complicated murder case?"

BOTH murderers being admittedly guilty, the prosecution asked for verdicts of murder in the first degree, while the defense argued that the verdicts should be accidental homicide. The evidence for accidental homicide was not convincing, and the lawyers for the defendants dropped their arguments and resorted to what is known in court parlance as "sob-stuff." I had already noted in the simple cases brought before my jury that it was when the evidence was weak that the lawyers "worked the sob-racket," and I had become indignant over their appeals to emotion instead of to reason. I had become indignant, also, over the contemptuous treatment given by the lawyers to the police officers who were called as witnesses. These officers had often seen the commission of the crime, and in any case were only doing their duty when they arrested the accused persons, yet their testimony was belittled and often their characters assailed. The counsel for one of the murderers went so far as to advise the jury never to pay any attention to the testimony of the police, who, he said, "are all liars. They are paid to work up evidence, and they work it up, facts or no facts."

The verdict in one of the murder cases was handed in one morning immediately after the opening of the court, and the travelling salesman who had been on the jury that brought the verdict said as he passed where I was sitting, "Good-bye. I'm off for the day."

"For what reason?" I demanded.

"Because I have been shut up two nights in the jury dormitory and the young idiots with me spent the whole time dancing, singing and wrestling, and I am worn out for lack of sleep." I asked the prosecuting attorney to show me the dormitory. I found it clean, well-lighted, and capable of good ventilation, but the jurors who are retained overnight must be confined in it from four in the afternoon, when the court adjourns, till nine the next morning, when it again convenes. They are forbidden to speak of the case; they are allowed no newspapers and no book except the Bible. Naturally the young men let their energy escape in noisy games, while the older men are deprived of rest, and the eagerness of staid citizens to escape a duty which may condemn them for an indefinite time to close companionship with effervescent young hoodlums and men of doubtful physical and moral cleanliness becomes understandable and even excusable.

IN THE Federal court, the game of selecting jurors is played with an honest endeavor to get intelligent men and women. The United States district attorneys keep on file the names of citizens whom they know personally or by reputation, and from time to time people of good repute are asked to add to the file the names of such acquaintances as they believe able and willing to do efficient jury service; then, when justice

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is the loser, as it often is, the fault can not be chargeable solely to the jury's lack of intelligence. Its reason may be drugged by "sob-stuff," or the evidence presented to it may be colored by the politics of the moment.

About one-third of the Federal jury to which I was summoned were women, and if these women showed themselves a shade more intelligent and a trifle less prejudiced than their masculine associates it was doubtless because the very best women had obeyed the call, while many of the men best adapted to jury duty had been excused for what they pleaded was more important business. Bootleggers and other violators of the liquor laws absorbed the greater part of the court session, but as I was challenged by the defense every time chance put me on a panel in a bootlegging case, I missed the opportunity of observing how the minds of the jurors, a number of whom were avowedly wet, reacted to the evidence against the prisoners and the arguments of the lawyers.

IN THE only Federal case on which I was permitted to serve, the defendant was a young man accused of using the United States mails to defraud, a technical term which covers many offenses, and which in this instance meant blackmail and threats. The prosecution offered evidence to prove that he had written a series of letters to the plaintiff demanding a certain sum of money to be delivered at a given time and place, failing which the plaintiff's little daughter would be kidnapped. The evidence being against the defendant, his counsel drew a pathetic picture of his client's youth, poverty, and friendlessness in the great city where he had come seeking work.

I thought the prosecution might have countered with one still more pathetic of the fate of the poor baby who was to be kidnapped, but emotionalism would appear to be the prerogative of the defense, and the judge in his charge dwelt much upon the youth and misfortunes of the accused and bade us remember them in coming to a verdict.

THE jury was composed of eight men and four women. We retired to the jury room, where the eight men voted to acquit and the four women to convict. We women were amazed at the solid vote of the men. "Consider the evidence," we urged. "You must admit it is against the defendant." But the men replied, "We don't intend to convict that young man," and the foreman said, "I have a son of my own and I will never send another man's son to prison." "Each woman here has a son," we answered, "but what has that to do with the young degenerate on trial?"

The men merely reiterated that they would never send another man's son to prison, and several of them declared they would sit there for a week before they would vote for conviction. They did not fail to remind us that the judge had tacitly advised acquittal, and one man added the clinching argument, "The judge comes from my county and I for one will follow his advice."

Again and again the poll was taken, but the result was always the same, eight to four. Finding that we faced disagreement and a new trial, we women talked the matter over

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among ourselves. We admitted that the judge had, in effect, recommended acquittal, and we felt that, considering our inexperience, we ought not to disregard his advice; and finally with great reluctance, we yielded to the majority. And so it came about that twelve jurors of good average intelligence, each one believing that the prisoner was guilty, voted to acquit him and turn loose upon society a young degenerate who would doubtless repeat his offense. I happened to meet the judge as he was leaving the courtroom that afternoon, and I stopped him and said, "I understood from your charge to the jury in that case of blackmail and threats that you advised acquittal." "Yes," he assented, "and you gave me the verdict I desired and expected."

"Don't you believe the young man is a degenerate?"

"Yes," he said, "I do."

"And don't you believe he is guilty?"

"Yes," he said again, "I do."

"Then will you allow me to ask why you advised us to acquit?"

"Because," he answered, "the poor devil has been in jail three months waiting for his trial and has been punished enough."

As I walked along the corridor pondering on the different interpretations that the legal mind and the mind of a layman might give to the judge's answer, chance threw me in the way of the "poor devil's" attorney and gave me the opportunity of asking if his client's plight was really as sad as he had described it.

He smiled. "Perhaps not, but it made a good story, didn't it?"

"So good," I replied, "that it convinced me of his guilt. Will you admit now that the evidence was against you and for that reason you resorted to 'sob-stuff'?"

"Yes," he replied. "The evidence was against me and what else was there for me to do? But my pathetic tale had no effect on you women. I watched the jury closely as I spoke and I soon saw I had the men, but the faces of the women never softened. I have had experience with women jurors before and I made up my mind this morning that never again will I argue a case before a jury with women in it, for a client whom I know to be guilty. I will challenge every one of them."

A SUSPICION that had been growing in my mind since my first days in the courtroom was there and then confirmed; men are the emotional sex. Having been brought up in the orthodox faith that it is my sex that is ruled by its emotions, my amazement was great to find men jurors more susceptible than women to emotional oratory, and to learn from other women jurors that we are all of one mind as to the apparent inability of our masculine associates to grasp the elementary fact that the more pathetic the lawyer's appeals the weaker the evidence.

"Feminism is ruling our courts," says an eminent judge. By feminism he must mean sentimentalism, but sentimentalism is the last fault to charge against women jurors. A distinguished member of the Philadelphia bar has spoken to me of the consternation felt by the average attorney when for the first time he confronts in the jury box "the un-

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relenting logic of the feminine mind," and it is this unrelenting logic which may eventually banish women from the jury, not openly by law, but covertly by pre-arranged challenges.

Not long ago in my own city a very pretty young woman bought a pistol, went to her husband's office, and deliberately killed him and his stenographer. Her lawyer placed her and her baby in a charming attitude in the courtroom, set her to weeping gently but not enough to make her eyes and nose red, and then asked the jury — a man's jury, for every woman had been challenged — if it could convict of murder this unfortunate young wife and mother who had been the victim of a brain storm? The jurors thrilled with emotion. Closing their ears to the evidence, they pronounced the murderess "not guilty," and the crowded courtroom rocked with masculine applause.

THE next day a lawyer of my acquaintance demanded of me, "What man is safe in this city? Any woman who claims to have a brain storm may shoot him and be held guiltless." But I answered, "Don't put that question to me. Put it to the men on the jury, and to the lawyers who challenged all the women."

Even the unlovely figure of the bootlegger may, through his lawyer's eloquence, be fitted with a martyr's aureole. In a Pennsylvania court, not many months ago, a notorious bootlegger was up for trial. It was Easter week, and the bootlegger's attorney, trusting to the feelings awakened by the sacred season, compared the sufferings of his client under the persecutions of the Government to the sufferings of Christ on His way to Calvary. Tears suffused the eyes of the twelve men in the jury box. Their hearts melted within them, and with one voice they bade the prisoner depart in peace.

ON THE day that my jury in the criminal court was formally discharged I asked for an interview with the judge. I told him I had never been in a courtroom before, and that naturally the conclusions I had come to could have no value except in so far as they were the result of applied common sense, and therefore I should like to ask if in his opinion they were the outgrowth of common sense or of mere ignorance. The judge was kind enough to express a willingness to listen, and I said my brief experience as a juror had convinced me that six changes in the jury system were necessary if the public was to continue to respect the verdicts that came from the jury room.

First, every intelligent citizen should be subject to jury duty. If, for any good reason a citizen should be unable to answer a summons for a given time, he should be requested to specify at what time he could respond and his name should be put upon a list of jurors available for that date.

Second, the age limit should be raised if the mixed juries demanded by equal suffrage are to continue. Young men and young women of twenty-one have not the experience of life required to solve the social problems brought before the criminal court, or to face the testimony, which is often revolting. Moreover,

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young people from twenty-one to twenty-five are still in the mating age and more concerned with each other than with legal intricacies. At their time of life flirting is natural, excusable and perhaps, in the scheme of things, necessary, but its place is not in the courtroom.

THIRD, lawyers should be required to adhere to the evidence and irrelevant sentimentality should be checked by the court.

Fourth, lawyers should not be permitted to sneer at the police force or belittle the characters of the officers who appear as witnesses. It is doubtless true that the police in most of our cities are helpless pawns of political bosses, but while this system of police control is allowed to exist, to attack individual officers in the courtroom is merely to prejudice the jury, encourage criminals in their contempt of law and impair such morale as may yet linger in the force.

Fifth, the jury dormitory should be abolished and twelve separate cubicles provided for a jury detained over night. The dormitory belongs to the age of King Alfred, who is held responsible for the jury system, and modern hygiene frowns at the confinement in one room of twelve men who may be of any race, color, or previous condition of servitude, and some of whom may be sources of physical or moral contagion.

Sixth, some method should be devised of ascertaining the mental and moral qualifications of jurors before submitting to them problems demanding clear thinking and right feeling.

The judge approved all my conclusions. He had long been of the opinion, he said, that intelligent jurors were more necessary than soldiers for the preservation of the State and that the jury service should be raised to the patriotic plane now reserved for military service. As to checking the emotional and irrelevant outpourings of the attorneys or preventing the slurs on the police force, he regretted that no one court can correct established abuses. Many judges acting concurrently in many courtrooms will be required to put an end to the encroachments by attorneys on judicial authority and to improve the present methods of selecting jurors. He agreed that the jury dormitory is an anachronism and believed that the necessity of providing for women jurors would soon make it obsolete; and he added that he had found the mutual absorption of the flappers and their admirers very trying.

PERHAPS the only way to reform the jury is to abolish it and turn its functions over to a bench of judges. I should not venture upon such a radical suggestion had I not heard a professor from the Harvard Law School tell an audience in my own city that he believed the jury system outworn, and that justice would be surer and swifter from a bench of judges.

Criminals are supposed always to prefer the sentimentalism of the jury to the logic of the judges, but a veteran of many crimes and many trials who was once asked which, in the light of his varied experience, he would prefer, replied, "That depends. If I am innocent, give me the judges. If I am guilty, give me the jury."

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Inside Pools, Bobtails and Jiggles

By a New York Stock Exchange Broker

A veteran of Wall Street explains the mysteries of market "manipulation," and shows the legitimate function of pool operations

When stocks are going up, any wise citizen will tell you that pools are behind the rise. There is likely to be a touch of wistful envy in his voice, as much as to say, "I wish I were in on one of them." And when stocks go down, the same market expert will assure you that the pools are to blame; they have sold out, unloaded, perhaps collapsed; and something in his tone may hint that if justice prevailed in this world, some eminent Wall Street figures might be "sent up the river" for a stretch.

Since there are only two ways stocks can go — up and down — it is plain that if our wise citizen is correctly informed, pool operations just about account for all the baffling and exciting changes that are constantly taking place in the quotations of listed securities. The pool, in this view, is a kind of device for dangling bait before poor fish, or a trap for inveigling hapless lambs, that the wolves of Wall Street may be gorged and glutted. The world likes its villains black, its plots deep and its pictures gaudy; but the truth about stock market pools, examined in the prosaic light of facts, proves to be much less romantic than this popular idea.

There is, however, some justification to be found for this popular view, when we remember certain events of a not-so-distant past. As human affairs go, the New York Stock Exchange is not a very ancient institution. The extraordinary nexus of rules and regulations now embodied in its constitution, astutely and painstakingly devised for the ethical guidance of its members and the protection of the investing public, is a growth that has fed upon experience. Time was, admittedly, when things were done on and through the Exchange which could not be done today.

The common instinct for analogies has found expression in comparing the Jim Fiskes, Jay Goulds and Daniel Drews of an earlier epoch with the James Brothers and Captain Kidd. Their purposes and operations were frankly and lustily predatory. A later generation of market manipulators carried on in an equally high-handed manner and with an

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equally cavalier contempt for public opinion. The operations of John W. "Bet-a-million" Gates and his crowd were characterized by about as much reticence as surrounds the love affairs of motion picture stars, while Thomas W. Lawson displayed the shy and shrinking qualities of a heavyweight champion. Thus a conception of stock market operations was implanted in the public mind which still crops out from time to time — especially when prices are going down. The incautious speculator who has, perhaps in disregard of plain warnings, gone in too deep and got caught, is apt to think that things are still done in the manner described by Lawson of Boston when he said, "We dazzle something before their eye, and cut the buttons off their coats."

But in fact the old-time manipulator and the old-time manipulation are not to be found in the stock market today. In recent years there have been, and there are today, big operators and market leaders whose course powerfully influences the trend of prices; but it is significant that during the recent tremendous market crash, the names of Durant, Cutten and the Fishers were hardly mentioned, and no one even thought of blaming Jesse Livermore. If there was any deliberate powerful bear raid on the list, the many people who would give a great deal to find out why what happened did happen, singularly failed to detect the fact.

No, the day is long past when a Daniel Drew could boast, "'Up,' says Dan'l, and stocks go up; 'Down,' says Dan'l, and stocks go down; 'Wiggle-waggle,' says Dan'l, and they bob both ways!" With the inexorableness of Sherlock Holmes drawing his net about a malefactor, the rules and regulations of the New York Stock Exchange have cut off one means after another by which the financial buccaneer could use its facilities for the shearing of lambs. Today the Stock Exchange is simply and exactly what its name implies — a market-place where those modern instruments of ownership and credit, namely stocks and bonds, can be bought and sold under safeguards which insure the genuineness of each transaction and the literal fulfillment of every obligation.

Yet, says the wise citizen, pools still operate in the Street. They certainly do. The market is honeycombed with them. What will surprise the uninitiated is that the majority of these pools are very prosaic matter-of-fact affairs, quite humdrum in their operations and lacking all the glamour of dark conspiracy or secret intrigue. It will be news to the average citizen that the by-laws of many corporations provide for what amounts to pool operations, and that in certain contingencies the Listing Committee of the New York Stock Exchange requires assurances that a market will be provided, as a condition of admitting a stock to the list. The fact is that the great majority of pools are formed not to run stocks up or to depress them, but to stabilize them. They are props to the market, equilibrating forces. Indeed, since we are examining facts, it must be confessed that many, perhaps the majority of pools, lose money — and their members take the losses very

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cheerfully, having anticipated just that result.

It is obvious in the light of these statements that there are pools and pools. It is, as men familiar with stock market practice know, a word with no one invariable meaning. There are inside pools and outside pools, necessary and unnecessary ones, justifiable and unjustifiable pools, open pools and blind pools, bull pools and bear pools, "bobtail" pools and "jiggles." There are pools that are reprehensible and even criminal — but they are never nowadays managed by a member of the New York Stock Exchange, nor will members serve them or execute their orders if they know, or beyond the point where they detect, that there is anything fraudulent or unethical about them. It is true that the worst luck a man can have is to be inveigled into a pool the real inwardness of which he does not know. But I repeat that the great majority of pools today are wholly legitimate and ethical features of stock market operations.

A POOL — to attempt a definition confined to essentials and applicable to all varieties — is a group of men voluntarily associating and pledging a portion of their resources to carry on, for their common benefit, certain operations in the buying and selling of stocks. The speculative pool is, generally, one whose operations are intended to put the stock up, whereupon the pool purposes to profit by selling its holdings. A speculative bear pool — not a very frequent phenomenon — is one whose operations are intended to reap a profit by selling short and depressing quotations on the stock in question. But the most common variety of pool is neither bull nor bear, is not speculative at all, but is purely and purposely a stabilizing factor.

CONSIDER what happens when a new stock is admitted to trading on the New York Stock Exchange. So many thousands or even millions of new shares are added to the many millions in which a great part of the country's liquid capital is already invested. Who is to purchase this new issue? Except in rare instances, few prudent investors will touch these stocks until they become seasoned by time. So the issue will be absorbed chiefly, in the first instance, by speculative buyers. These have no desire nor intention of holding the stock. They are looking for a quick turn. On a few points' rise they will sell. But as soon as any great number of them sell, the stock will head downward. Then more of the speculative buyers, concluding that they made a bad bet, will sell; and presently bear operators, sensing an opportunity, will start selling short. Unless support comes from some source, that stock is headed for a severe drop. Meanwhile its inherent value may be steadily increasing; but it will be three months, six months or a year before cautious investors will come to consider it a buy.

What are the sponsors of the stock to do? They have assumed a degree of responsibility to the investing public by offering the stock. Their prestige is involved. Moreover, they are looking far ahead to a time when demonstrated earning power and increasing equities will justify a high

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price level for the issue. Obviously the thing to do — and very likely they did it simultaneously with the listing of the security — is to form a pool in support of the stock, to keep it from sinking unjustifiably low under speculative offerings, and equally to restrain any sudden unjustified rise under the impetus of rumors or the operations of an outside pool.

Such is the origin and such the character of most pools; such are the considerations which in some instances lead to by-law provisions for their establishment. The necessity for such a pool appears even more clearly if we consider the situation when the shares of a company long privately owned are first offered to the public. The case of the Eastman Kodak Company offers an excellent illustration. So long as it was owned solely by the Eastman family there was no need for a market. But in pursuance of his extraordinary philanthropies George Eastman vested the ownership of large blocks of stock in various institutions and funds. In order that any of these might be able to realize upon any part of its holdings in case of necessity, it was imperative to establish a market for the shares, so that it would be known at any time what investors and speculators would be willing to pay for them. Therefore a pool was formed purely for the purpose of making a market and stabilizing quotations.

Sometimes it is a trading account rather than a pool which performs this stabilizing function — the difference being merely that a trading account is set up by a very close group of insiders, or even by an individual. I recall how one stock (which the house I am associated with brought out) fell sharply in price while listed on the Curb. When the time came to transfer it to the Big Board, the original owners of the company were induced to open a trading account to prevent a repetition of the Curb experience. Yet it was not long before this trading account was being used not to prevent a decline, but to halt a runaway bull market in those shares! In another instance, the original owner and heaviest shareholder in a corporation which we had sponsored would not agree to the use of his trading account on the bear side, with the result that the stock was boomed by outsiders to levels far above its worth — and subsequently, of course, suffered a severe and precipitous decline. There were probably speculators who lost money in that decline and who said angry and indignant things about a pool, when in fact it was the lack of pool operations which made the unjustifiable prices possible and left the way open to catastrophe.

A situation which obviously calls for pool operations occurs when a stock is split up. The same is true when the number of shares of a corporation is increased, or when a block of treasury stock is offered to the public. It is in such cases that the authorities of the Stock Exchange desire assurance of reasonable support for the issue. Then there are the many companies which pay their dividends wholly or partly in common stock. Many recipients of these stock dividends prefer to cash in, so

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that following each dividend date there are likely to be heavy offerings of such stocks; obviously some kind of pool or trading account support is called for.

I HAVE said that many pools lose money and expect to lose. This does not mean that they are organized as philanthropies. On the contrary, the members of such pools are looking to an ultimate larger profit on their holdings of the same stocks outside the pools. Suppose a group of associates control 500,000 shares of a certain stock. It is to their interest to protect the standing of that stock on the ticker and the board. So they form a pool of, say, 50,000 shares; by buying and selling up to that amount, or any part of it that may be necessary, they can, except in very unusual circumstances, prevent any severe decline or unwarranted rise. On such pool operations they are likely to take a loss; but if their stock has merit, their stabilizing work will bear fruit in the ultimately higher value of their total holdings. Not infrequently, however, a pool of this sort will show a profit. In a severely falling market they may have to load up with their stock at low prices. If and when the market turns, they will presently unload at appreciably higher levels. Such instances merely illustrate the proverb — "To him that hath shall be given."

Pools for the deliberate purpose of profit may be organized by insiders, that is to say, the executives and directors of the company, its bankers and others having special knowledge of its prospects; or by outsiders, market operators who have no intimate knowledge of the corporation's affairs, but who judge from the available data that the stock is due for a rise — or in the case of a bear pool, for a decline. Such outside groups are sometimes called "bob-tail" pools. The profits are certainly very enviable in some instances. Consider what happened early in 1929 in the case of a stock which we will call "A. B. C. Radio." The shares had recently been split up. Interests familiar with the history of the old shares determined to capitalize the popularity of the issue by astute trading in the new. They began by accumulating several hundred thousand shares of stock at a fair average price. The effect of so much stock being taken out of the market was of course a rapid advance when competitive public buying started. Then the pool, whose holdings must have averaged around 86 or 87 in price, was formally organized. Friends and associates of the prime movers were invited to participate and a syndicate agreement was drawn, limiting the account, it is said, to approximately 500,000 shares, and the duration of the pool to six months. The objective set was $100 a share for the new stock.

AT THIS time public enthusiasm for speculation had reached unprecedented heights. The general market had acquired irresistible momentum. So the moment the existence of a pool in "A. B. C. Radio" new shares was bruited about, the speculative public, with whom the old stock had been a favorite, started an orgy of buying. In a week's time the stock had reached its objective of 100 and the pool's work was presumably done. One Monday morning, how-

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ever, the stock opened up several points, and quickly advanced several more points. The pool organizers who had planned to be out of the stock after it reached 100 and stayed there awhile, and had therefore continued selling the stock short above 100 so as to be in a position to protect it when it should break, presently found themselves heavily short of stock at prices well above 100. These happenings were the froth of the speculative wave, representing the mad buying of a public whose imagination was inflamed by the spectacle of advancing prices above the $100 level; and if the pool had not been in existence to offer stock on scale up, "A. B. C. Radio" would have gone very much higher than the 120 or so which it did reach.

As it was, two things happened. Completely to the surprise of the pool managers, their operations were completed in about three weeks instead of six months. And they not only profited during the course of putting the stock to the level originally set, but they were forced into a profit on their operations on the short side of the market because, of course, when the "soda water" rise occasioned by last minute public participation subsided, there was no one to buy the stock except the pool brokers, and they covered their short commitments at leisure, probably at an average price under 90. Altogether this pool made profits, it is said, of over six million dollars.

But my reason for recounting this story is to illustrate the fact that pools can reap profits only by following the market trend. Never, or practically never, can they dictate that trend. When there is no runaway market, no frenzy of public speculation, the managers of a pool or trading account can often, before the opening gong sounds, fix a price at which they wish their stock to close that afternoon, and govern operations so adroitly that it will in fact close at the predetermined figure or not more than an eighth or a quarter point off. That is a mere matter of routine. Orders may be placed in advance to buy or sell so many shares at each eighth, quarter, half or full point rise or drop; or stock may be sold or bought in such quantities and at such points as the fluctuations during the day may make necessary. It works, as I said, if there is no speculative frenzy in the air. But when the public takes the bit in its teeth, it is absolutely impossible for pools to control the stock market. Let me illustrate by another example, the pool in what we will call "X. Y. Z. Motors."

The "X. Y. Z. Motors Company" had been close to death in 1920 and 1921. In the next few years it had muddled along trying to regain its position in the industry, but year after year drastic write-offs and adjustments were necessary to put its financial house in order. In the first six months of the 1924–1929 bull market, this stock was a laggard, though previous to 1920 it had been one of the most popular of issues. Those in control of the company's affairs, its directors and largest stockholders, knew that sound conditions had been restored and that the company was on the way to better times. But they also sensed the definite connection between the

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credit and prosperity of the company, even between the public attitude toward its product, and the selling price of its securities. No amount of advertising of "X. Y. Z." cars would restore the former public goodwill nor recapture the company's former standing in the industry if the public appraisal of the stock indicated disbelief in the permanency of the improvement which had taken place. Pool operations were therefore determined on purely and solely to complete the rehabilitation of "X. Y. Z." in public confidence.

THE pool was formed in January, 1925, to run for six months, with powers to buy, sell and generally trade in not more than 250,000 shares of the company's stock, the main idea being to see to it that the stock participated in every upward movement of the market as a whole. It was hoped that the pool could buy stock when no one else was buying it and sell when no one else was selling it, pay expenses, and perhaps make some money incidentally. From the start things went splendidly. There was an immediate rise of more than ten points from the low 60's to above 75 in early February. In the mid-winter recession, it sold down around 66 again; it fluctuated within a narrow range, but the important thing was that it followed closely the general movements of the market. The pool, by what is known as an automatic scale order operation, was attaining its object. The market took all the stock offered on the way up, and on the way down the pool was able to buy back, thus breaking the fall. The market in "X. Y. Z." was, in short, stabilized, so that the stock responded to every bullish influence in the general market, and did not react disproportionately when the market turned soft.

After five months of such oscillation the stock got above 80 in June and became very popular with the general public. The pool managers, who had carried over 150,000 shares through the spring months, decided that the usual falling off in automobile business after June would find reflection in softer prices for motor stocks; they therefore kept working out of "X. Y. Z." as the price approached 80. It was the general opinion among the pool members that 80 would be a splendid price for the stock. As the end of June approached, bringing the automatic dissolution of the pool, all remaining stock had to be sold or distributed to pool members, and it was decided to take the former alternative. On the day of expiration, the stock sold around 85. The pool was out; but now let us look at some of the curious results.

FROM the formation of the pool until its expiration, "X. Y. Z." had advanced 20 points. Here, if ever, must have been a successful pool operation! — and it was successful in the sense that its object had been attained; the stock had become "regular"; shrewd traders now bought it on reactions and sold it on rallies. Yet the wealthy men who constituted the pool received as profit exactly one point on the entire 250,000 shares for which they had committed themselves. Commissions, taxes, trading losses taken in buying stock at advancing prices

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to insure its participation in every rally and in selling when it had to be sold to keep within the limits of the pool — such things had piled up such an aggregate of expenses that the total profits after six months of operation of this successful pool were exactly $250,000.

But the aftermath had elements of irony. The work done by the pool in what proved to be the early days of a long bull market, in restoring the good name of "X. Y. Z." motors, was so effective that for the next three years no pool was ever necessary in that stock; and after it had been split up, the new shares advanced — aided, of course, by continued improvement in the business — until they sold at a price equivalent to 400 for the old shares. The pool, taking a profit of $1.00 a share, had sold out at the very threshold of one of the most dramatic advances in the history of the stock market. That hardly lends color to the sometimes popular picture of pools as conscienceless schemers cynically shearing the innocent public lambs!

The great bull market reached its incredible climax in the period from July, 1928 to September, 1929. As the lamentable events of the ensuing two months finally compelled the most reluctant speculators to recognize, that abnormal market was due to exceptional conditions, and chiefly to an extraordinary psychological phenomenon. The public became possessed by a wave of optimism which ignored all inconvenient facts and swept aside all warnings. Business was showing a mild but continuous recession; but public psychology forced the market to go against the trend of business, and made the analyses and admonitions of such men as Colonel Ayres and Roger Babson appear foolish. But the market can never continue indefinitely to go counter to the business trend. This, and not supposedly Machiavellian pool operations, accounts for the recent panic. Pools may contribute to a rising market, yes; but even pools cannot long operate successfully against the business trend. Much weightier factors than pool operations in the late lamented bull market were the many mergers and the heavy investment trust buying which characterized the period from July, 1928 to July, 1929. After the latter month the better managed investment trusts greatly curtailed their purchases and probably did some selling. This was a much more potent precipitant of the crash — which once started, fed upon panic beyond the utmost expectation even of the most convinced bears — than all the pool operations that may have been going on during the autumn months.

As an illustration of what may happen precisely because of a lack of sound pool operations, take the markets of December 12 and 13, 1929. On the first of these days a wave of selling came into the Street, doubtless largely the work of operators trading for a quick turn, and stocks went tumbling down. Promptly at the opening the next morning there was a rush of buying, and quotations shot up. Before the morning was over the market reversed itself — obviously at the whim of the quick turn artists — and all down the list stocks collapsed like houses

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of cards. These irrational and irresponsible gyrations clearly indicated the lack of responsible pools, which, if present, would have put the brakes on the decline by offering buying support, while slowing down the advance by means of selling operations. By the same token, it is obvious that when the market performs in such a deplorable way, there are "jiggles" at work — a "jiggle" being, in Wall Street parlance, a kind of informal outside pool organized for precisely such irresponsible operations over a short period, a week or ten days.

UNQUESTIONABLY reprehensible and indefensible tactics are often used by these "jiggles." Thus in the third week of December, bear operators forced a break in the price of Montgomery Ward common stock by circulating a rumor that dividends on that stock would be temporarily suspended. Some of the bear crowd, I believe, went to the length of calling up people interested in that stock, and openly boasting that they were about to force it down. Yet the rumor was, as George B. Everitt, president of Montgomery Ward and Company, said, "maliciously false, evidently disseminated by unscrupulous speculators." Such things as these bring the whole legitimate and indispensable business of stock trading into disrepute; but since anyone can trade and anyone can circulate rumors, such tactics are largely beyond the disciplinary reach of the Stock Exchange. The bright spot in the situation, however, is the fact that the authorities of that organization are constantly finding ways to compel a stricter observance of ethical principles even if members desire to act otherwise — which the vast majority of them do not.

In the second paragraph of Article I of the Constitution of the New York Stock Exchange, one of its objects is stated to be: "To maintain high standards of commercial honor and integrity among its members; and to promote and inculcate just and equitable principles of trade and business." In recent years this Constitution has been fortified by many amendments which put in the hands of its Governing Committee, or the other committees acting for the Governors, drastic and absolute powers of discipline, including fines, suspension and expulsion. Today the Governing Committee can break any corner; for under Section 7 of Article III of the Constitution, whenever in its opinion a corner has been created in a security listed on the Exchange, it can postpone the time for delivery on Exchange contracts therein, can examine all the circumstances, and fix not only a delivery date but a fair settlement price.

ANOTHER specific abuse of older days was the "wash sale," which was the buying and selling of equal amounts of the same security by the same person or interest, to create the impression of a market when there was none, or of a price trend other than that determined by *bona fide* trading in the stock in question. Such "wash sales" are now a statutory offense, and are also strictly under the ban of the Exchange rules.

Moreover, it is due in justice to say that, if the observations of one intimately concerned with stock market operations for many years are of any value, there is not in the world a

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body of men of higher character, or more consciously dedicated to a high ethical standard in their daily affairs, than the membership of the New York Stock Exchange. It affords no pleasure to these men to witness the losses which their clients sustain in such a panic as we went through last fall, and moreover they cannot profit a penny by such disasters. The genesis of the panic of 1929 lay not in any Wall Street diablerie, but in an excess of that very quality which underlies America's prosperity and business achievements — the quality of constructive optimism.

Men like Durant, Raskob and the Fishers are men whose ways of looking at things were fixed by years of actual constructive achievement in the industrial field. When they retired from active industrial life with time and money to devote to investment, they took with them the same driving impulse toward constructive activity which they had manifested as executives. They backed companies in which they believed, not as stock market balloons but as money-makers by virtue of sound organization, able management and products for which there was an expanding market. On the whole such operations have been beneficial. No one foresaw the extent to which the public would eventually rush into the market, how irresistibly they would bid up prices, how blind they would be to changing conditions and warnings, or into what a panic they would eventually fall. It was all utterly new and unprecedented, and it is certainly to be hoped that the lessons learned in those feverish days of October and November will be taken to heart. But assuredly it was not the dark machinations and intrigues of wicked pools that were to blame. Rather, as I have tried to show, it was the comparative absence of that stabilizing effect which the vast majority of pools have as their useful, legitimate and sole object.

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How Misery Breeds Crime

By Joseph Jastrow

A famous psychologist indicts with scientific evidence the inequalities of economic circumstance that lead to lawlessness

The average citizen isn't strongly interested in crime, but in resisting the inroads of crime. When he buys life insurance, he isn't insuring his life, but only protecting after his death the interests of those dear to him. His real life insurance proceeds by way of proper care of his health, by safeguarding his mental powers, by carrying on happily and wisely, by right living generally. The same is true of the social health of his community; the more right living there is in it, the greater the insurance against crime. That is where the practical problem begins, but not where it ends.

Crime is an abstraction, but a useful term for discussion. The only reality is criminal behavior, which in turn is the behavior of persons; they form the problem. And as their behavior is an expression of their mental make-up acting under the conditions of their social setting, psychology enters on the ground floor. Native disposition counts and counts heavily. But above all, crime is a matter of circumstance, of the conditions surrounding human behavior; in that tangled mass of influences, one factor stands out in glaring proportions — *just plain misery.*

With all allowance for criminals in the making by reason of native disposition, the great majority of criminals are made so by the stress of the conditions of their lives. *The largest source of crime is misery.* The relief of misery would be the safest crime insurance that any society could invest in. That offers a text for every practical measure to reduce crime.

This thesis needs broadcasting from many stations — from that of the social agencies in the first link-up. People can not be expected to behave like human beings unless they live like human beings. Standards of living are both the expressions and the conditions of human behavior. Until the cry of distress of physical condition is met, no other voice can secure a hearing. Psychology and sociology can only redirect, they can not much alter the needs of humanity; where the tyranny of economic stress rules, the finer qualities of the human en-

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dowment are sacrificed. The slum and the gutter become the haunts of crime.

As economic gospel all this has been preached again and again; and still there is slight indication of a successful warfare against crime, nothing comparable to many a hygienic and medical campaign against the ravages of disease. Prevention is more economical than cure, and in no direction more so than in the treatment of crime. To make people happy and adjusted, goes far to ensure their orderly behavior. Crime is but one and a limited expression of maladjustment; another of like origin is neurosis. Neuroses and crimes overlap in their treatment as in their sources; the relief of misery is a common factor of redemption; the minimum essential is a decent and secure physical living. Compared to that, all other considerations are secondary.

THE problem of crime, as the psychologist sees it, belongs to the direction of human urges. Every one is subject to unruly urges. These must be properly socialized; if they are not, one expression of the failure may take the form of crime. Criminal behavior does not stand apart by decree of nature; its segregation is a social convention. Behavior classed as criminal, like the rest of behavior, derives from human assets and liabilities.

In following the psychology of the urges to their source, the patterns of child-behavior are instructive. The age of innocence in one aspect is the age of criminality in another. The psychologist is not brutal but clear-sighted in recognizing in the unrestrained urges of childhood clues to the sources of so-called criminal behavior, as similarly he recognizes in other distinctive expressions of child nature the initial counterparts of what may become neurotic behavior. Nor is this a modernistic version of original sin; it is an emphasis upon the transformation and redirection of urges, of which growing up consists. Through living out his nature at each stage, the human individual is growing into the life mature. The child's urges, the instinctive sources of his impulsive and emotional reactions, are strong; he acts intensively and not very responsibly on the all-or-none pattern, and slowly learns to grade strivings and satisfactions to a perspective of values. Childhood is a period of riotous emotion no less than it is a period of nervous unrest, and presumably by virtue of a related neural basis. The taming of the shrew in every child, no less than the taming of the tyrant and the bully and the egotist, is all part of the training in social fitness. Failing to achieve this transformation, the child may be headed for the maladjustment that is neurotic or the maladjustment that is open to the temptation of crime.

THE principle of imperfect maturing has received the name of infantilism; juvenilism would be more accurate. Many types of misbehavior, whether folly or delinquency, find their interpretation here. The low mentality and defective emotionality of a section of the criminal classes indicate in a measure juvenile persistences or arrests. All of us

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when not at our best, when fatigued, harassed, distressed, may recede to lower levels of behavior; we are then less controlled, less mature. Some are so disposed that under stress they will go under; they may fall or fail along the road of neurosis, or along the path of crime. The principle of regression may apply to the stages of civilization; for civilization expresses a parallel and progressive reshaping of our original nature. Under stress we revert to savagery, and lose anything from our manners, our refined social considerations and ideals, to our rudimentary humanity. When the ape and the tiger die, some element of the brute remains. It is not the Russian alone who beneath his veneer shows the Tartar, but any cosmopolitan under stress may expose the surviving caveman. Inject the behavior of cruder times into a modern setting, and much of it would be criminal in pattern, some of it psychopathic. Imperfect socialization, imperfect maturing, presents a composite menace to social security, endangers normal behavior.

THIS principle remains suggestive even when its application is uncertain. It places the emphasis upon the side of heredity, the source of original tendencies and of individual differences; upon the internal struggle for dominance over powerful unruly urges. We are not hastily concluding that here lies the chief factor in the large volume of crime with which our type of society has to deal; that appraisal comes later. Disposition is important but by no means the whole story. Crime and circumstance are as closely related as crime and disposition. The environment is as real as it is powerful; behavior does not occur in a vacuum. Crime results from conflict, and this operates typically as a cross-fire of stresses from within and restraints from without. Criminals are made, however much some dispositions incline to the making. Maladjustment implies a two-term relation — a disparity between the adjusting endowment and the conditions to be met. Crimes and neuroses may have a common origin in conflict; the conflict may be largely internal warfare; but it always has a setting which makes an enemy of a hostile environment.

THE evidence of this relation is definite. Dr. William Healy, for many years director of the Judge Baker Foundation in Boston, has shown in thousands of juvenile cases of delinquency the close connection of crime with unfavorable home conditions. His clinical studies of juvenile offenders portray the rôle of mental conflicts in misconduct. The attempt to deal with them by ordinary administrative methods is a superficial policy; the exploration of conduct-producing forces is more difficult but essential. The difficulties begin not in crime but in uncontrolled tendencies: wilfulness, destructiveness, obstinacy, violent temper, malice, defiance, resentment, cruelty, social indifference or withdrawal, surliness, pleasure in another's pain, sexuality, craving for excitement, and a welter of badly organized trends; they may appear as chronic rebellion, truancy, vagrancy, stealing, lying, sex offenses, assault, disorderly conduct generally. Faults of social attitude become mild or

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severe delinquency. There are submerged dynamic, at times volcanic, conflicts, often family hatreds and misunderstandings, formidable urges seeking unwholesome outlets, that excite and invite the unrest that upon provocation breaks forth as crime. There is a peculiarly close relation between sexual craving and stealing; in marked cases the unrest is sexual, the episode criminal, a substitute outlet of a perturbing conflict. No treatment of the offense removes the impulses leading to it. The administrative and clinical views are distinct. Their fusion in an enlightened practice constitutes the problem. Understanding must precede treatment.

Such is the clinical approach to the nature of crime. Crime is a deviating type of behavior; so is a neurosis. Both interfere, though differently, with normal adjustment; the same insight illuminates both. A different grouping of these juvenile tendencies to misbehavior or maladjustment may incline not to the crime pattern of behavior but to the neurotic one — one of many, for they are endlessly variable. Just why and when and how the issue takes the one form or the other, and far more commonly neither, is an intricate problem of our troubled day. The salvation of humanity seems to lie in the promise of psychology. It may be a forlorn hope; it suggests a formidable responsibility.

The prevalence of conflict situations vastly exceeds that of crime. Make a clinic of a community, and the records of its psycho-neuroses would cover volumes where that of its crime would cover pages. Both depend upon predispositions. Neither mental conflicts nor unruly urges, by decree of heredity, terminate in crime or in neurosis; they dispose but they do not determine. Crime must be considered not alone in its motivation as behavior, but in its setting as temptation. There appears the complement of circumstance and its dominance in the social perspective.

The clinical diagnosis requires correction by the social survey. When the psychopathic criterion is rigidly applied, not more than seven per cent of youthful delinquents, as Dr. Healy examines them, are such by definite issue of abnormal deviation; the same applies to the hardened offenders serving sentence in penitentiaries. If the term is used leniently, a survey may report half the prison population as abnormal in some respect; a conclusion that is likewise significant. Yet in the population at large so very many, no less handicapped, remain free from crime. The dispositional side is important; yet circumstance dominates in crime as a mass production.

The psychologist's task includes the illumination of the play of condition upon human behavior. Under stress and strain, of whatever origin or nature, the human resources that make for better living decline. As the primary struggle among the primitive urges is faced and met from childhood on, the personality gradually builds up its defenses; social approval comes to the individual's aid; the molding forces of the environment take him in hand. The child is typically strong in

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impulse and weak in resistance; so is the neurotic; so are those peculiarly open to the temptation to crime. The behavior-producing impulses, reënforced by expanding urges, become organized as needs and demand satisfaction. Failing in legitimate outlets, undesirable ones are resorted to. The situation that is not rightly met is wrongly solved. An escape or flight or a lapse into neurosis, despite the differences in the composition of ways and means, finds some parallel in mechanisms and motives with the resort to crime. In neither case are the motivations all above board and deliberate; they play subtly and below the surface of reflection. Young offenders often confess that they don't know why they succumbed. They may be neurotically overcome by the shock of the first arrest. Circumstances play the deciding rôle because the balance of impulse and resistance is uncertain. Hence the eternal wisdom of the prayer, to be read as a precept: "Lead us not into temptation;" for in that freedom lies the common deliverance from evil.

A CLOSER analysis enlightens the issue. By virtue of original endowment we differ in our amenability to the normalizing, socializing, humanizing of our common urges. Speaking crudely, there are those with moderately strong (or moderately weak) urges in this direction or that, combined with adequate powers of resistance to keep them in check; and at the opposite pole those with either unusually strong urges or unusually weak resistance, or both. Yet the great masses fall in the grades between; and the issue lies in the building up of adequate defenses, whatever the strength of urges. Circumstances, including predominantly the educative forces of the environment — school, home, associates — hold the balance of power. Dispositions and defenses well enough organized to resist ordinary temptations, yield to extraordinary ones. Conditions of stress and strain weaken moral defenses, as similarly they weaken resistance to disease. Misery is the great weakener of defenses; temptation the strengthener of the urges. The psychological lesson is clear in both cases.

CRIME follows the line of least resistance as well as that of the greatest attraction. The statistical aspect takes precedence; it projects the issue in the stern realism of the social dimensions. Theft leads by far in the procession of crime. The crude statistical return means not that the tendency to acquire is the strongest of human passions and most needs suppression, but only that in our economic age, this is the readiest temptation. The love of money is not the root of all evil; rather is it the economic power of money that makes the absence of it so comprehensive a source of misery. It is increasingly difficult to be poor but honest, though ease and means do not secure immunity from dishonesty; and the standards of honesty are as elusive as they are versatile. In proportion as human satisfactions are honestly available, will they be honestly sought.

There is another dominance in crime, whose very obviousness has obscured its significance — the dominance of the male in criminal records,

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a composite issue of biologic and economic rôles. The eternal masculine is venturer as well as fighter and pursuer, and the crime patterns engage these traits. In terms of another rubric of crime, we reinstate the place of Eve beside Adam. The dominant rôle of the female offender is in the exploitation of sex. The wise direction of the sex urge remains a complex social problem, and its economic aspect looms large on the modern horizon. Sex maladjustment is as prominent in neurosis and more so, than in crime. Relieve sex misery, increase sex happiness, and the prisons as well as the asylum population will decrease.

Along with theft and sex in the statistical picture stands the conflict of personal as well as economic interests. So long as existence is a struggle and the spoils are to the aggressive, the complexities of human behavior will be reflected in court records, whether criminal or civil, of domestic relations or juvenile delinquency. Assault is but a cruder expression, and technically the criminal one, of the varieties of conflict situations inviting to crime. Maladjustment, misery and crime are of a nature all compact; social conflict supplies the arena of their expression.

Any discussion of crime in the mass would be defective if it failed to consider the masses of men who barely elude the criminal fate. Even as our records go, we are limited to criminals caught; those who escape, escape enumeration likewise. Criminals in intent, citizens at large operating just within the law, those guilty of shady transactions, if assembled, might well outnumber the criminal population. In any moral survey their contributions to the deficits of civilization would be momentous. The psychologist must include in his survey not only the accidentally criminal but the accidentally non-criminal. Circumstance dominates in either case.

A recognition of psychological origins in no way minimizes the necessity of social security; yet administrative practice, to be effective, must be based on psychological understanding. Notably, if prevention is to be given its proper place in the social programme, must the clue of psychology be followed along its many trails. The disposing factors of personality suggest one technique of approach: the weight of circumstance, so often deciding the issue, proposes another. Together they provide the proper policy of society's insurance against crime; their converging attack should be directed toward the relief of misery, of that misery of stress that degrades human living and begets the psychological misery that devitalizes effort and induces despair.

With a completer acceptance of the problem of crime as the direction of human urges, the social provisions would concentrate upon the forces of prevention and early treatment; upon the training in emotional stability and the relief of distressing circumstance. They would consider the youthful offender in a clinical attitude, relating the crime to its psychological status rather than to the degree of social damage involved. Prison treatment would emphasize the reformatory which means re-

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habilitating measures so largely that the punitive factor would recede to its minimal proportion; for no civilized society can carry out the punitive policy consistently or adequately. The recent repeated desperate outbreaks within prison walls have brought into front-page relief the continuance of the hostile attitude that brought the professional criminal within the walls. Whatever else this menace implies, it suggests the inadequacy of our penal administration. To bring the machinery of administration into line with this transformed view of crime in the modern world — for each civilization makes its own sins and crimes as well as its virtues and standards of living — is a momentous matter for expert consideration. If accomplished, another generation may accept as commonplace what at present seems an intrusion of the psychologist in the adjustment of human relations.

BUT it is precisely the practical temper of the psychologist that prevents him from going astray in the intricacies of a problem that must consider equally human urges and human circumstance. He would fail in his responsibilities if he left uncertain the emphasis of his conclusions. The wise direction of human urges will go on according to our enlightenment; for education has no other meaning. It is a slow process at best and must in each instance be adjusted to the fallible material at hand. But the fairer distribution of the favorable circumstances under which human beings find the satisfaction of their minimum needs, is the clear social goal. Misery remains the chief provoker of crime. The resistances and defenses of human nature can not be expected to perform miracles. Human beings are entitled to a fair chance. Economic conditions determine what that chance is. The organization of society presents such strong and various temptations to crime as the easiest way, that the need of relief in that quarter is the most obvious. Crime insurance requires that education do its part to make the crime risks more insurable; but the conditions of living come first. Neither the strong arm of the law nor the stronger measures of education can do their work without the complete coöperation of the relief of economic distress. A community relieved of misery so far as human measures can do so, will have a low crime rate.

AGAIN the two issues converge. There is a definite limit to the stress that nervous systems can endure and remain stable. Present day life for millions approaches the danger line of stress. The increase in psychoneurotic disorders is one of the outstanding signs of the times, with the number of beds in hospitals occupied by mental cases equal to that of all other disorders combined; and in that toll there is no reckoning of the larger army of the neurotically disqualified who yet carry on somehow in the world of normal people. That same order of stress differently composed, differently operating, plays its part in the criminal records. Misery makes for instability; and instability for crime. The relief of misery remains the preamble in the platform of crime prevention.

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Back to Bonds

By Paul Willard Garrett

New Trends and Old Laws in the Investment Market

Somewhat less than a year ago thirty young men from Wall Street met one evening in an exclusive New York club for dinner. They were gentlemen of responsibility. Several were heads of statistical departments, employed by financial houses to tell investors, unfamiliar with figures and balance sheets, where the best buys lay. They had all felt the flush of a first fortune easily won. With success had come confidence. They were meeting to exchange views on stocks.

Now the Coolidge-Mellon-Hoover bull market at that time had already run seven years. We were in a new era. We had definitely abandoned some old-fashioned ideas on securities. Bonds particularly had been discarded as a popular vehicle for investment. And in keeping with this newer philosophy several of the wealthy young men from Wall Street boasted that evening to their comrades that they had never owned a bond. Nobody was surprised. The others did not own bonds either. Their whole programme of investment — as seemingly was everybody's — was motivated by "acquisitive" rather than "preservative" instincts.

Up to the September-October-November, 1929, episode relatively few Americans knew from intimate experience that sometimes it is more difficult to preserve than to acquire wealth. The advantages of stocks over bonds everybody knew. Exploits in the securities markets had not yet taught the great army of new-born investors any advantages of bonds over stocks.

The present generation had never been through a bear market. It knew only that stocks rose as the country grew. Bonds never rose. What was there in history between 1921 and 1929 to teach people the simple economics of a bond investment?

When the time came it took no textbook to impress on the country some elemental distinctions. The very stocks that had built up fat profits finally took them away. When the high stock structure tumbled, bonds held firm. Many a rich young man in Wall Street then wished in vain that he had shifted a portion of his funds earlier in the year from stocks to bonds.

Now the truth of the matter is that the 1928–1929 decline in bond

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prices that prejudiced so many against these securities was not perhaps so distressing a signal against bonds as against stocks. In years to come, who knows but that we may look back on the eighteen-months' decline, from April, 1928 to October, 1929, as an interruption to a major forward movement, that previously was under way, rather than a reversal in trend?

ALMOST invariably a major bear market in stocks is preceded by several months of definitely declining bond prices. Even when the underlying trend in bonds is upward, experience over the last quarter of a century shows that bonds will sense an approaching stock collapse and decline until the adjustment has been completed. The dip in bonds usually precedes the downturn in stocks by eight to seventeen months.

The stock beginnings of the rich man's panic of 1903 were not visible until February of that year — but the turn downward in bond prices had come eight months earlier, in May, 1902.

Stocks did not start the decline that eventually led to the great autumn panic until January, 1907 — but bonds in anticipation of what was to come had started down sixteen months before that, in September, 1905.

Bonds and stocks started down simultaneously in the bear market of 1916–1917, which was induced by our entrance into the war. That was not a typical market cycle.

Stocks headed downward in November, 1919, at the time of the great post-war deflation market — but bonds had turned downward eleven months earlier, in January, 1919.

The recent bear market was no exception to this simple rule. Stocks after setting a record peak for all time early in the month began to move lower in September, 1929 — but bonds had started down seventeen months earlier, in April, 1928.

ONCE bottom has been reached by stocks in a major bear movement bonds usually begin their recovery immediately. Stocks touched bottom on November 9, 1903, in the rich man's panic of that year. The recovery in bonds started within a month. Stocks hit their lowest levels on November 15, 1907, in the panic of that period. Bonds reversed their trend within a month.

Following December 19, 1917, when the stock bottom was reached in the 1916–1917 war decline, bonds did not rally for ten months — but here again our entrance into the hostilities destroyed the normal sequence.

Stocks touched bottom on December 21, 1920, in the post-war deflation market. Recovery in bonds at that time started four months earlier, in August.

November 13, 1929, was bottom for the collapsed Coolidge-Mellon-Hoover bull market in stocks. Recovery in bonds started immediately. October, indeed, a month before the stock bottom was reached, brought the first signs of a reversal from falling to rising bond prices.

What this all shows is that the shadow of an approaching major bear market in stocks is cast almost invariably months in advance by a dip in bond prices. Why that is we

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know from our 1928–1929 observations. The last stages of a bull market just previous to the collapse bring speculative excesses. Stocks seem destined to rise indefinitely. The lure of quick profits becomes irresistible. People sell bonds to buy stocks. They buy stocks on borrowed funds. Finally a credit stress is created. Tightening money rates depresses bond values. Banks to carry an increased loan burden liquidate their bond holdings.

BUT — and here comes the point to remember — an approaching major bear stock market interrupts without reversing the underlying cyclical bond movement. Once the obstacle of a stock adjustment is removed, the pressure on bonds lifts immediately. If the previous trend in bonds had been upward the rise is then usually resumed.

What was the underlying trend in American bond prices previous to April, 1928? What were the forces perpetuating it? Do they still exist? These questions we must answer if we would predict the movement in bonds prices from this point on.

But going even further back let us inquire first into the broad movements since 1900. What general direction have bonds taken in the last thirty years? Through what cycles have they passed? Why?

Three primal influences constantly are at work for higher or lower bond prices. (1) Bonds move inversely with commodity prices; (2) they move inversely with money rates, and (3) the demand for them varies with changes in the public's psychological attitude toward bonds.

The reasons are easy to see. Rising commodity prices make goods cost more. Dollars lose in purchasing power. A dollar will buy fewer groceries. Consequently a bond interest coupon, which is a call on dollars, is worth less. Conversely a falling price level makes dollars relatively more valuable. Bond coupons will buy more. That sends bond prices up.

Bond yields move sympathetically with money rates, or, putting it the other way around, bond prices move inversely with interest rates. Indeed the purchase of a bond is nothing more than the making of a loan. Lenders seeking attractive rates offered in the money market watch bond yields just as they watch time rates.

EVEN psychology counts. Up to early 1928 American investors had always paid more dearly for bonds than stocks. Bond yields up to then had ruled persistently under stock yields. This time-honored regard for gilt-edged investments was lost as the stock craze gathered momentum. During most of 1928 and the first nine months of 1929 stocks sold at levels yielding less than bonds. The disparity widened as the bull market progressed. By September, 1929, Americans were buying common stocks on a 2.88 per cent yield basis whereas quality bonds were available to yield 4.76 per cent. The discrepancy was corrected almost over night when the psychology changed.

Let us have a look at the broad major swings in bond prices since 1900. Ignoring the minor swings we find before us a simple graph to visualize. The chart shows a major decline in bond prices running from 1902 to 1920. Since 1920 the trend

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has been upward. Even during the first six years of the recent great bull market the trend in bonds was persistently upward. The 1928–1929 bond decline on the chart gives the appearance of a minor setback rather than a reversal of the previous major upward movement.

But with all the net gains of the last nine years since 1920, bonds have nowhere nearly recovered the ground lost in the years from 1902 to 1920. Bonds in 1902 were commanding an average price as high as 106.1. They have never since been so high. The long decline by 1920 had carried the price down to 78.2. There was a loss from the extreme 1902 high to the extreme 1920 low of 27.9 points — 26 per cent. Not all of this sweeping loss has been recaptured since 1920.

These same bonds now sell at a price averaging 96.3. That is to say, 18.1 points of the 27.9 lost between 1902 and 1920 have been recovered. But bonds must rise still another 9.8 points on the average to put them back to the 1902 level. Indeed bonds did not for long remain so cheap as now in the entire decade that followed.

The same story is told in yields. With falling bond prices the indicated yield to investors rose from an extreme 1902 low of 4.01 per cent to an extreme 1920 high of 6.11 per cent. Rising bond prices since 1920 have reduced the yield but gilt-edged descriptions still return an average of 4.65 per cent.

Now let us apply the simple rules set forth above that govern bond movements. Rising commodity prices and irregularly rising interest rates for two decades previous to 1920 were two powerful — indeed were two irresistible — pressures making for falling bond prices.

With the spectacular heights to which commodity prices rose by 1920, when the post-war inflationary bubble burst, everybody is familiar. But even during the period from 1896 to 1913 a strong upward trend in prices carried the general index forward 2.3 per cent each year. It was a development that underlay all other economic changes.

Interest rates were simultaneously moving from a low to a high level. Sixty- to ninety-day time funds swung from an extreme 1894 low of 1.75 per cent to an extreme 1920 high of 8.72 per cent.

But since 1920 falling commodity prices and falling interest rates — at first rapidly and then gently — have been making for higher bond prices. The decline in interest rates for a time was checked by the speculative orgy in stocks, but the immediate precipitate drop in money rates after the market's adjustment suggests the existence of a credit condition fundamentally easy.

Will these influences making for rising bond prices perpetuate themselves?

Nobody can say whether commodity prices will continue the downward movement that began in 1920, but the signs point more emphatically to falling than to rising prices. For nearly a quarter of a century up to the inflationary post-war era, commodity prices pushed steadily forward, but at no time since 1920 has this strong upward pressure been resumed. Indeed, for five years

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gently falling commodity prices have suggested the possibility of a reversal in the pre-war trend.

Enormously expanded industrial productive capacity, a relative shrinkage in world gold stocks, and a gradual breaking down of international barriers, are developments suggesting that more goods may be offered for a given unit of gold in the future than in the past. With the arguments for a falling price level more convincing than those for a rising level, the trend in commodities very conceivably may from now on bolster rather than depress bond values.

With a relinquishment in the stock market's demands, and a Federal Reserve policy openly designed to ease credit, the implication is for declining or at least stabilized rather than stiffening rates for money. That, too, should make for better bond values.

It needs no resort to statistics to show that psychology in the market is shifting already from stocks to bonds — but statistics there are for him who loves figures.

Steadily for three years stocks up to the end of 1929 had become a more popular and bonds a less popular vehicle for public financing. In 1927 our stock flotations were only $1,775,224,000 as against $8,490,880,000 in bonds. By 1929 the volume of new stock issues had mounted to $4,523,107,000, whereas new bond flotations simultaneously had shrunk to $4,879,953,000.

THIS reduction in the supply of new bonds for public consumption — not to mention the gradual retirement of Liberties — has created a highly favorable position for the market in bonds. With any substantial return of these descriptions to public favor it will take no very great demand to absorb the floating supply.

The new year already is giving evidence that investors are going back to bonds and that in their financing programmes American corporations will recognize this change in attitude. New capital issues for 1930 so far have been mostly bonds in contrast to the lists of a year ago.

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The Tide of the Times

By Kenneth Wilcox Payne

Both as individuals and in organized society, we humans are notoriously prone to waste our energies treating symptoms and palliating consequences. Rarely do we have the wisdom to face and eradicate the underlying causes of our troubles.

Having established in principle that war is a crime of which we will no longer be guilty, we promptly settle down to complicated negotiations over the naval equipment with which we will permit each other to wage war. The effort has its eminently practical advantages, but will be futile in the long run unless paralleled by further progress toward the perfection of machinery to wipe out the causes of war. This means, among other things, American adherence to the World Court, and the strengthening of the League of Nations by American coöperation.

As in foreign affairs, so in the case of our domestic crime problem, we are dealing "practically" with symptoms and blandly ignoring fundamental causes. The Wickersham Commission brings in its preliminary report on Prohibition enforcement, and acrimonious debate at once arises over the best technique of dealing with law breakers. We ignore the question of what makes them law breakers.

Obviously, in the case of the Volstead Act, this is the disregard by millions, including countless prominent citizens, of the purpose of the Eighteenth Amendment. If the Dry forces in Congress, boastful of their sweeping majority, have not the courage to penalize drastically the purchase or consumption of liquor, they have not the courage of their convictions.

Perhaps the shooting of rum runners is ridding the community of many undesirable citizens as well as of a few innocent by-standers. But unless the consumers of liquor can be subject to prosecution in wholesale lots and thus be deterred by fear from making bootlegging profitable, new rum runners will spring up to replace the slain, and the noble experiment will go careening on its costly way, accomplishing a little but proving nothing.

The Real Prohibition Issue

The thesis which the Administration is at present attempting to prove, once for all, is that Prohibition can be made the observed law of the land. Since ardent pleas, repeated daily for ten years from pulpit, press and platform, have been unavailing to make observance voluntary, what plan is left for the Prohibitionist but the effort to compel observance by making not only the purchase of liquor but the act of drinking itself subject to severe punishment?

Probably it would save money in the end if a huge Prohibition police force, lavishly financed and placed, say, under the dictatorial control of Bishop Cannon, were turned loose in the land to concentrate upon the conviction of consumers. Whether this attempt to get down to the fundamentals of the Prohi-

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bition mess be called a counsel of desperation or of common sense, it is certain that an uncompromising venture upon it now would bring to a head an issue that is otherwise going to drag itself out with increasing scandals, dissension and violence for years to come.

The ultimate discovery, no matter how or when arrived at, is likely to be a bit of wisdom not unknown of old: that temperance is the more desirable aim, and that temperance in temperance legislation may be more effectual than absolute Prohibition.

Misery and Crime

IN OUR larger crime problem, of which Prohibition is only one controversial item, the social failure to face fundamental causes is traditional. Professor Joseph Jastrow's illuminating article published elsewhere in this issue establishes strongly on psychological grounds the relationship between economic misery and crime. Until we can discover ways to further minimize misery, to achieve a more equitable distribution of wealth, the criminal class will be sure of steady replacements from the slums.

To perceive and ponder this fact — to say that society should make it pay men better to go straight than crooked — is not to suggest that the professional criminal deserves sympathy or coddling. Our prisons are full of recidivists (39 per cent of all admissions in New York State in 1928) and recent studies indicate that there is little hope of reforming them. It were wiser by all means to shut the hardened criminal up and keep him shut up. We turn too many loose as it is, to repeat their offenses. But don't let us forget the social conditions under which these men became hopelessly warped. In many cases they are from childhood the products of economic misery; and one of the by-products of the great effort of our time — the diffusion of prosperity — will be a decrease in the social output of their kind.

If it is Utopian thus to speculate on some of the blessings of prosperity, then the President of the United States and the spokesmen for its business interests are hopelessly Utopian. The assurance of prosperity to American homes was Candidate Hoover's chief argument for his election. The existence of prosperity in America has been the boast of the business world for years. Either the practical engineering mind and the hard head of the business man are subject to grandiose delusions, or else a widely diffused prosperity is a practical possibility.

Whether or not we have actually enjoyed it as yet is less clear. To testify typically that we have, let us call up as witness a well-known publicist whose recent ecstatic article, widely quoted in the newspapers, represents a whole school of current pronouncements on the subject.

Intoxicating Language

"LET us consider," suggests this authority, "the state of a nation which, in a decade, has come into a glory transcending that which any prophet has foretold. . . . It is a glory of the many, and not of the few, and it principally concerns those who were once known as the common people. . . . The glory is somewhat as of conquest, but of a new kind of conquest. . . . The foe has been the world's oldest and best established institution — poverty."

As a result of this conquest of poverty our witness declares that "the cringing poor have vanished"; and of America's unprecedented riches he remarks: "These riches belong both to the few and to the many. They have seeped through the people until today poverty is almost a voluntary condition. The amount of involuntary poverty is not yet wholly negligible, but it is now an exceptional and purely individual predicament."

All this is said in praise of the Eighteenth Amendment, to the beneficence of

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which our idyllic situation is attributed. There ought to be a Twentieth Amendment prohibiting the use of intoxicating language and covering such glamorous generalities as these, which, like liquor, delude the partaker with a false sense of well-being, as insidious psychologically as hard drink is physically.

Our Spotty Prosperity

THE fact is, of course, that we have had prosperity conspicuous but spottily distributed.

Where there are some three million unemployed, poverty is not a "voluntary condition." If six million farmers are people, there certainly remain some common people who have not yet been touched by the hand of Midas and elevated into the preferred class. This winter's reports of the charitable societies lead one to doubt that the poor — whether cringing or not — "have vanished." Involuntary poverty in this country is not "exceptional" unless to be an unskilled laborer is to be in "a purely individual predicament" and unless, furthermore, the unskilled laborer's average income of $1,032 a year is something better than poverty.

One may question also whether "riches have seeped through the people" to any vastly gratifying extent, when the average industrial worker receives $1,500 a year (one-fourth less than the Department of Labor's "budget of health and decency") or when the white collar class as a whole averages around $2,000 a year.

One may suggest further that prosperity is not prosperity if it is temporary. We have yet to know to what extent the past seven years of good times may have been only another magnificent boom. We have yet to know what will happen when approximately six billion dollars of installment paper now outstanding (largely representing luxuries which were purchased by going into debt) is confronted with a period of business depression and wider unemployment.

This is not pessimism. The crape-hanger, especially at such a critical stage as that through which we are now passing, ought to be hung in his own crape. But likewise the distiller of intoxicating verbiage, who mocks us with deceptively ecstatic pictures of universal prosperity, deserves the pillory. The best thing that can be said for American prosperity today — and it is a sufficiently splendid and encouraging statement — is that it has revealed the possibilities of prosperity.

In the years ahead it will be the task of American business leadership to convert these possibilities into fact. It will prove no easy task, and can not be accomplished in blind, haphazard fashion. Spokesmen for big business have seen the vision of elevating the purchasing power of the masses — but only an industrial generalship sincerely inspired by the vision can hope to make progress toward it.

The New Industrial Vision

ONE of the most readable current exponents of this so-called vision of "enlightened selfishness" is Charles W. Wood, whose new book, *The Passing of Normalcy*, is both an absorbing survey of the social revolution brought about by Science, the Machine and Big Business, and a fervent plea to business men to realize the responsibilities for service to humanity now resting upon them.

And this spirit of service business can not carelessly or cynically dismiss; for today business is at the wheel of civilization. The school, the church, the press, even government itself, have been relegated to the rôle of back-seat drivers, where they often seem annoyingly ignorant of the mechanism, and blind to the road ahead. Unless an enlightened business can work with government in the common task of assuring widespread prosperity, government is likely to work at cross purposes with business, thus putting the brakes on our progress along a

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road which we have travelled too far to retrace without disaster.

The Chance of Big Business

WE HAVE seen the possibilities of prosperity, we have celebrated the new economics of mass production, low prices, high wages, mergers for efficiency, coöperation and coördination all along the line in the task of satisfying human wants or creating new wants. Business, having drawn to itself the most aggressive brains of the nation, having become by all odds the most powerful force within our borders, can not lightly ignore the tremendous duties — not alone to itself but to mankind — thus devolving upon it.

The moment is ripe. Radical political programmes for industrial revolution in behalf of the working class are in almost complete eclipse. If business leadership can measure up to its present opportunity, it may yet bring about the reign of wide prosperity which countless political schemes have envisioned but never practically approached.

In international affairs also business has an increasingly important rôle to play. Finding its greatest profits not in the exploitation of foreign peoples, but in the intricate interlockings of peaceful commerce and in the elevation of the purchasing power of all lands, it becomes the best ally of political peace agencies.

The progress of the latter, and particularly the popularization of the League of Nations, has been the outstanding feature of international affairs, as 1930 gets into stride. Since the odd period when American officials scarcely dared mention the League except with bated breath (and when, driven to communicate with it, they did so surreptitiously through the Dutch government) American opinion has now travelled so far as to recognize cordially that the League's accomplishments in its first decade have been great, and to hail enthusiastically the League's most ardent sponsor, General Smuts.

The animus of 1920 has passed from the public mind, and is replaced at worst by apathy, or at best by growing interest. When Newton D. Baker broadcast his hope that America would yet be a member of the League, we heard no report of millions of radio sets exploding in 100 per cent American homes under the strain of amplifying so appalling a message.

The Drift Toward the League

ONE can not read Conwell-Evans's new book, *The League Council in Action*, or the recent collection (by the Oxford University Press) of General Smuts's speeches on world peace, without realizing that the League is a going concern with a great record and with a tremendous destiny ahead of it. Widely published literature and comment now envisage American coöperation with the League as ultimately inevitable.

Indeed, those Senators who ten years ago threw the country into hysterical dread of the League of Nations are now seen to have promoted unwittingly the very thing they feared most — American collaboration in a world organization to preserve peace. For the Kellogg Pacts are the direct outcome of the situation they created. The League of Nations this year is planning to bring the Covenant into line with the more drastic ban on war enunciated in the Kellogg Pacts, and it is becoming increasingly evident that the latter can not be surely operative until we join the World Court and coöperate effectively in the going agency for constant conference which the League provides.

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A Morning in Spring: Quay Malaquais

By Frances Gaither

It was spring again. The flower beds in the gardens of the Tuileries and the Luxembourg painted the old patterns in a new brilliance. Along the quays the second-hand stalls were wrapped in a sudden shade, as though over-night the trees had leafed out. The hour was early for trade. The curio dealers set out tarnished weapons and dim coins along the stone parapet. The sellers of cast-off books and prints stood before the deep boxes which held their wares and, stooping under the propped-up lids, plied their dust-cloths.

Everybody was busy at housekeeping; everybody, that is, except Monsieur Georges and Madame Julie, though the good God knew their box needed cleaning if any did. The pair, as always, seemed alien and remote in the midst of their fellows. They replied not at all or as briefly as possible to the brisk sallies of Mère Larroquet at the adjoining stall. Mère Larroquet, brave in black silk with trimmings of purple brocade and macramé lace, shrugged her shoulders and fell to singing a Provençal love song as she dusted her pewter salt-cellar.

A gentleman in a neatly buttoned coat came strolling under the trees: Monsieur Deux Sous they had nicknamed him along the quays, a true *bouquineur*, a "browser among second-hand books" — as the dictionaries translate that untranslatable word describing the special devotee of the Paris quays, always wandering, always fingering, rarely buying. . .

As Monsieur Deux Sous passed Mère Larroquet's stall, she set her salt-cellar down among her books and he paused to take it in his hand. It was her one curio, acquired like her brave silk dress at an auction that had marked the passing of a countess. She interrupted her song to coax a verdict from the *bouquineur*.

"A real treasure, Monsieur, is it not so?"

"Louis Fifteenth, Madame," he graciously pronounced as he set the salt-cellar down and passed on.

He stopped as usual at the stall of Monsieur Georges and Madame Julie, but they did not give him good morning or offer to serve him. Madame Julie through half closed lids watched him rummage through their tumbled books and prints as if

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it were no concern of hers whether he found what he was looking for or not. And when he had unearthed a book — a red one, full levant, in rather surprisingly good condition — he had to rouse Monsieur Georges with a touch on the arm to get him to make room beside the parapet.

If Monsieur Deux Sous felt any resentment at their indifference, he showed none. He was as used to Monsieur Georges and Madame Julie as to a pair of worn old shoes. True, he knew no more about them than their neighbors did, which was precisely nothing at all; but the peculiarities of the two *marchands* were of no slightest consequence to Monsieur Deux Sous. Cheerfully he established himself, propping the elbow which sustained his gentlemanly cane close beside Monsieur Georges's arm in its sleeve with the bursting seam. And, opening the red book midway, there in the pleasant shade, the *bouquineur* began to read.

Monsieur Georges and Madame Julie the pair were always called, Monsieur Georges and Madame Julie *tout simplement* — as if they had no other name or, in drifting here to the quay, had lost it, perhaps, as some old book its cover. The ancient who kept the stall on their left had been a plasterer before a bus in the Rue Bonaparte had struck him and he had been flung like any other worn and broken thing upon the quay. And Mère Larroquet on their right had been *paysanne* in the Midi; would be still, of course, if she had not lost her three sons in the war. Such things one freely confides. But Monsieur Georges and Madame Julie had never told a soul hereabout from what world they had come. None of their neighbors knew even in what tongue they would have spoken if they had not so guardedly, to each other as well as to everyone else, used only French.

Mère Larroquet's housekeeping brought to light a half-used writing-pad, once hopefully priced seventy-five centimes, later sixty, and at last with no better luck, fifty.

"*Tiens*," she murmured in sudden inspiration and bustled across to Madame Julie on her stool.

If it were true, as the quay had lately suspected, that Madame Julie was become too poor to go on buying those sheets she had used to fill with her secretive writing, then she should have been grateful to Mère Larroquet. She might even, one would think, have warmed to some show of confidence when Mère Larroquet hinted:

"You are more fortunate than I, Madame — I, who have lost three sons and have now no longer anyone expecting letters from me."

Madame Julie, however, said a single "*Merci, Madame*," and nothing further as she put out her hand for the pad.

Mère Larroquet, undamped, lingered sociably, looking under the leafy branches toward a café opposite where a girl in a red hat sat crumbling rolls and sipping chocolate.

"Always she waits," gossiped Mère Larroquet, "as she waits, too, for her wedding perhaps — ah, there he comes, the young lover!"

Mère Larroquet sighed with relish and drew the back of her hand across her hearty black mustache, but Madame Julie did not lift her head

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from the tree-trunk or turn about on her stool. She merely shrugged as one who should say: lovers' meetings in Paris streets — what is there new in that? It was as if nothing could make her bestir herself.

All the same, Mère Larroquet's back was hardly turned when Madame Julie got out a fountain pen and began greedily to write upon the pad. Seeing which, her neighbors looked at each other. The small familiar riddle teased them as it always had. Meanwhile the mysterious pen sped on — writing in English, as Mère Larroquet had always suspected but would have given her pewter salt-cellar to prove:

> It is spring again. The gardens have begun to glow; and the trees, these Paris trees which are somehow so much lovelier than any other trees in the world, are in full leaf. Oh, I can hear your protest. You are wondering if I have forgotten what Alabama looks like in dogwood time. Indeed I haven't, Fan. I can shut my eyes this minute and see the blossoms lying like a light fall of snow on every wood our train ran through that morning fifteen years ago when I set out with George to seek his fortune. . . .

It was very quiet on the quay. Now and then a bus rumbled across one of the bridges and swung upon the embankment with screaming brakes. But between times there were only little sounds: as when a breeze ruffled the leaves overhead, or Monsieur Deux Sous on the turn of a page let the ferrule of his cane clink against the wall, or Madame Julie's pen squeaked as it greedily nibbled at the white paper. To the other small familiar sounds was presently added that of Mère Larroquet's morning accounting *à haute voix*. She was by way of being banker to this particular quay; and when, upon her high stool close beside her stall, she did her sums aloud, those who were near enough and sufficiently interested could tell the exact status of each account. Monsieur Georges and Madame Julie owed more than anybody else: thirty-seven francs and fifty centimes it was now. While Mère Larroquet was adding it up, Monsieur Georges stirred and coughed and rapped out his empty pipe upon the parapet as though the size of the debt bothered him. But Madame Julie smiled undisturbed at her delightful writing.

The two lovers — or *les deux jeunes gens* as more discreetly they were called along the quays out of respect to their supposed abnegation — crossed over from the café and came slowly along the shady walk, stopping frequently to dabble among the books and whisper together. The girl now and then picked up some ragged volume and affected to show it to the boy — a silly ruse, for nobody could suppose those two came to *bouquiner*. As well imagine the birds, making love in the saints' beards of Notre Dame, were saying their prayers! They were happy about something this morning, *les deux jeunes gens* — money from home no doubt. The boy, so shabby all winter, had on a fine new necktie and carried a parcel, not bought on the quays but in a real shop, wrapped in clean paper and tied properly with cord: a great bundle of artist's gear, rolled canvas and brushes bunched like faggots.

"Madame — if you please — Madame — I'm afraid I don't know your name."

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"*On m'appelle Madame Julie.*"

Madame Julie hid her letter in her frowzy old wallet and frowned forbiddingly at the girl.

"Do you understand English, Madame Julie?"

"Only French, Mademoiselle."

"Oh, dear. You'd better tell her yourself, Sep."

And then it was the boy who was talking.

"You see, Madame Julie, I am an artist."

"An artist, Monsieur! *Tiens.*"

"I have an idea for a picture."

Absurdly he went into details: the spire of Sainte Chappelle and the towers of Notre Dame gray against a morning sky; nearer, this old quay with its dingy stalls of cast-off books in the shade of young leaves — just the way we see them now, he urged — the under sides quivering with reflected lights from the Seine.

"*Tiens,*" muttered Madame Julie drily, "an idea unique."

THE whole quay saw she was laughing at them. But *les deux jeunes gens* didn't seem to suspect. They were young, in love with each other and with that *belle idée.* But what were they to Madame Julie, those young people with their sudden riches from America!

"As it happens I have money, Madame Julie — I can pay — "

The quays belong to everybody, Madame Julie interrupted — *à tout le monde.* If this youth chose to set up a studio in the open — *un atelier en pleine air* — it was nobody's affair but his own. Madame Julie dismissed the subject by a lift of her shoulders.

"But you see, Madame Julie," the girl insisted, "it's just here he wants to paint it, right here on your part of the pavement — in your little shop one might say — with this tree in the foreground and you on your stool and your husband — "

AH. IT was Madame Julie and Monsieur Georges themselves he wished to paint — two wretched vendors of the quay with the leaves of another spring unfolding fresh and green above them, the woman drugged with the elixir of her secret scribbling or else dozing on her stool while dirt gathered on the dog-eared books, the man staring down at God knows what images of oblivion in the river below his feet.

"There must be something you could use money for," wheedled the girl prettily.

Monsieur Georges turned about and again tapped out his pipe on the parapet, but if it was intended for a signal, Madame Julie disregarded it.

"No!" cried Madame Julie, harshly.

Mère Larroquet's account book fell to the pavement with a thwack. Monsieur Georges restored it to her still open at the page of his and Madame Julie's prodigious borrowings.

The red hat went bobbing off in the dappled shade like a fisherman's cork floating down the Seine. For a breath it looked as if Monsieur Georges had some idea of following after to recall it. But then, meeting Madame Julie's eyes fixed fiercely upon him, he turned in the contrary direction and walked off shaking himself like a man who has tumbled half awake from his bed. Poor Mon-

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sieur Georges! None of his neighbors knew where he was going or what he meant to do. All they knew was that he would come back to lean his ragged elbows on the parapet — he always did.

IN FACT, in all the years that the quay had known the couple, they had never failed to be on hand one single day when the weather permitted of opening the stalls. Yet Madame Julie's pen was now writing:

The last weeks of winter we basked in the sun at Antibes. A gay season with rather more interesting people than usual about and for George — as usual! — a profitable time as well. But you may be sure we took care to get back to Paris for spring leaves and spring salons. Too bad we should again have missed friends of yours here. Your letter telling us of their plan to visit Paris trailed us an unconscionable time before it overtook us at last too late for me even to send a telegram of regrets to their boat. And if they did ask our whereabouts at the American Express or at any of the dealers' here, as you suggested they might think of doing, I am afraid they learned nothing: instructions about our address being given to all and sundry have had to be very strict — otherwise we'd simply be besieged. When a man gets to be as well-known as George, he is so set upon — you've no idea. Only this morning there was an importunate youngster wanting to do his portrait and dear old George, who never could say no, was actually on the point of giving in. I caught his eye in the nick of time. . . .

You wonder, you say, if I realize how lucky we are. Indeed I do, Fan. When I think how confidently we launched our argosy that long ago spring of 1914, sailing straight into the teeth of the storm! It seems almost a miracle we should have weathered it when there were so many who didn't — poor Aristide Lajean, who drove out of Paris in a taxicab to the Marne to lose his gifted right hand; and all those who, before it was over, gave their lives. Many who were alive when the war ended and seemed whole, aren't really, Fan. Though they have their hands, their hearts are broken. Oh, I don't need any reminding to make me marvel that George has succeeded in spite of arriving in Paris the very year the war began; in spite of being the first American to enlist in the Foreign Legion; in spite of being seven times wounded and twice missing; in spite of that time after the war, almost worse than the war itself, what with illness for both of us and nobody in Paris with a crumb of money or interest to spare for what George was trying to do; in spite of — well, everything!

Madame Julie at last folded up the sheets she had written, borrowed a franc from Mère Larroquet, and crossed the street to the tobacconist's. She came out a moment after, pasting a stamp on a letter, which she then posted in the box outside. That was how the quay knew it really was a letter. True, they always had known; yet they all watched the mailing of the letter with absorbed attention. Even Mère Larroquet waited till it had slipped into the slot before she opened her account book and added Madame Julie's latest borrowing to her stupendous debt.

THE morning of Monsieur Georges's return to the quay was like any other morning. To be sure, the leaves overhead were grown; the shade on the pavement was a little deeper; the pall of dust on the neglected stall of Monsieur Georges and Madame Julie, somewhat thicker; and Monsieur Deux Sous, some pages further along in his reading. Yet nothing seemed changed. Madame Julie dozed against her tree; Mère Larroquet on her high stool close beside her stall added aloud the accounts of the quay; at the café opposite *les deux jeunes gens* held each other's hands while their coffee cooled.

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But Monsieur Georges was changed. The minute he came in sight far down the quay they all noticed it. His step had a vigor entirely new, and — was it the effect of the unreal green light? — but, no, he really had been trimming his beard. That surely was without precedent. And — a new tie?

"*Qu'est-ce que tu as?*" demanded Madame Julie as soon as he stopped beside her.

His reply was so guarded that not even Mère Larroquet could hear it, but they all saw Madame Julie's hands rush out of her shawl and twist around Monsieur Georges's arm as though, whatever it was he intended next, she would have restrained him. But he shook her hold off and, crossing the pavement laid on the parapet the parcel he carried. Then he turned to their stall, took up a handful of books from the top of the litter, and, with a rag dug up from an odd corner, began to rub at them briskly.

Il fait le ménage, Monsieur Georges fait le ménage! Monsieur Georges was cleaning house! The quay in all these years had never seen him do the like before. All his neighbors smiled. Monsieur Deux Sous alone disapproved the unwonted bustle. He flung his book on the stall and walked off. Monsieur Georges, oblivious to any reproach in the gesture, caught at the discarded volume as though he saw it for the first time and marked the Rabelais up to twelve francs.

The stall in order, Monsieur Georges purposefully took up his parcel from the parapet and removed the crumpled newspaper wrappings. It was a picture, a little painting in a frame. It was unsoiled, without blemish or any discoverable mark which could justify its presence on a second-hand stall. Monsieur Georges set it down, nevertheless, in the midst of his newly regimented waifs and strays and with a flourish pushed into its gilded frame a fresh slip of paper lettered in fine Gothic characters: "*A Morning in Spring: Quay Malaquais*, forty francs."

The painting in the bright untarnished frame looked equivocal on a second-hand stall. A shiver of apprehension ran down the quay. The approval which Monsieur Georges's altered appearance and brisk behavior had warmed to life was chilled and confounded. Mère Larroquet, being nearest, put a tactful question.

Monsieur Georges was obviously embarrassed. He flicked imaginary dust with his cloth. And he who was always so taciturn became loquacious. The artist? Oh, a friend of his. Yes, the painting was unsigned. Perhaps he felt humiliated, the friend of Monsieur Georges, that his picture — *cette belle peinture* — must be sold on the quay like junk. But he was in straits — like all artists now and then. *Comme touts les artists de temps en temps*, echoed Mère Larroquet mechanically, appraising the words for what they were worth.

Monsieur Georges stroked his newly trimmed beard and smiled. Mère Larroquet had never seen him smile before. And she had never really noticed till now how brown his beard showed here on the quay where beards are mostly grizzled or white. For one fleeting instant he

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looked to her like her youngest son, who, if he hadn't been killed in the war, would be forty-five this Spring.

The rest, seeing Mère Larroquet smiling and chatting so agreeably with Monsieur Georges, guessed the painting must have been honestly come by, after all, and gathered to have a look at it. Monsieur Deux Sous returning along the quay stopped, too, and they respectfully waited for his appraisal. The *bouquineur* never cheapened a verdict by giving it too quickly, but, when a fitting interval of silence had elapsed, he pronounced, like some distinguished critic at an exhibition: "An old theme in quite a new manner."

Mère Larroquet smoothed the torn lace on the dead countess' cuff and overflowed:

"We shall hear of the artist one day. He is in straits now, perhaps, but he has a future, that young man."

THE *bouquineur* merely smiled at her impertinence and continued his stroll, hands locked behind him, cane swinging like a pendulum at his heels. Monsieur Georges's other guests were going back to their several stalls when a small significant sound drew their eyes to Madame Julie on her stool. Her fountain pen was nibbling at the writing pad which Mère Larroquet had given her, and she was smiling as she wrote:

A certain critic of importance in these parts, standing before a picture of George's on exhibition in one of the spring salons gave his verdict to a crowd gathered about to hear it — he happens to be a man very chary of praise and that is why I am quoting him exactly: "*Un vieux sujet dans une manière forte nouvelle.*" Nobody would have dreamed of adding anything to *that* but Madame Larroquet, fearfully overdressed in black silk and purple brocade and macramé lace — when the French have bad taste, my dear, it is terrible, let no one persuade you otherwise. Madame Larroquet, though she owns a bank in Paris and a château in Provence, knows as little about art as she does about dress and, never having heard of George, was quite unabashed by her ignorance. She elbowed right up beside the distinguished critic — she has by the way a militant black mustache — and trumpeted to the gallery at large: "We shall hear of that young artist one day. He has a future, that young man — *ce jeune gens-là!*". . . I wish you could have seen the expression on George's face. He wears a Van Dyke these days and, while he isn't the least bit gray, he does look every day of a distinguished forty-five.

"WHY, Sep, how queer! *A Morning in Spring*: *Quay Malaquais*. I knew she didn't mean it the other day when she said your idea was unique! But isn't it lovely? And only forty francs. Do you suppose they don't know the value of it?"

"Hello! The thing has no signature. That's funny."

Les deux jeunes gens, strolling along the quay, stopped before the painting in the gilt frame a-tilt on the old book stall provocative as a tinsel crown on a tipsy beggar.

"Pardon, Monsieur," the boy went up to Monsieur Georges leaning at the parapet. "I'd like to know something about this picture, if you don't mind; where you got it, you know, and who painted it — "

If Monsieur Georges intended to answer he had no chance. Madame Julie stepped between and interrupted:

"The artist is unknown, Monsieur."

Unknown. But Monsieur Georges had said a friend. Mère Larroquet

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sped a darkling glance across her stall. And suspicion blew along the quay like the breath of some malodorous barge going past on the river. The boy seemed entirely unaware. After some whispering apart with the girl, he announced that he would take the picture as priced.

Dubious glances from every stall followed *les deux jeunes gens* when they went by with their purchase cloaked in its soiled newspapers. Mère Larroquet in her turn accepted the four ten-franc notes from Monsieur Georges's feverish fingers. She recalled, as he did not seem to, his poor artist friend for whose benefit statedly the painting had been offered for sale. But she wrote *payé*, as she had to do of course, across the page of Monsieur Georges's and Madame Julie's borrowings and made the proper change out of the wallet at her belt.

AT SOMETHING past eleven a passing *bouquineur* fingered the twelve lithographed scenes from the life of St. Ursula, which Monsieur Georges's industry had displayed near the front of the stall. The *bouquineur* admitted that the naïveté of the scenes delighted him, but he felt that the price — a franc for each — was excessive. He considered, or affected to consider, that the value of the whole series was impaired by a single scar upon that one which showed St. Ursula and her sweet-faced company taking ship from a flower-starred shore. None of the concessions which Monsieur Georges eagerly proposed to atone for this defilement seemed to the *bouquineur* sufficient, and he went away at last without buying.

A little after noon, a taxi tore across the bridge and with a scream of its brakes stopped within an arm's length of Madame Julie's stool. A shiver woke the drowsing quay. Mère Larroquet clutched closer her wallet containing the four notes for which, the good God knew, she had not pressed payment.

"THAT evil painting," she muttered in gloomy foreboding which seemed to materialize in the person of a lean French gentleman of obvious authority who stepped out of the taxi accompanied by *les deux jeunes gens*. The boy pointed to Madame Julie and Monsieur Georges and said:

"There are the people who sold it to us."

And the authoritative gentleman promptly demanded of the pair where the picture had come from.

Madame Julie waved a negligent hand to the tattered company left on her stall and said:

"We do not know where anything comes from. We buy and we sell. *Voilà tout.*"

"But to sell for forty francs a painting which might be worth thousands —"

Monsieur Georges started, but Madame Julie continued to do the talking for both. A thing is worth what one can get for it, she pointed out, no more, no less. She pinched her shawl tighter about her shoulders.

"Perhaps it would surprise you, Madame Julie, to know that the police records of Paris have for years contained a note regarding the suspicious circumstance of two Americans masquerading as old-book

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sellers on the quay — " Here a cry broke from Madame Julie, and her inquisitor amended — "pretending at least to understand no English."

Monsieur Georges faced about, the very picture of guilt, both elbows digging at the parapet. Madame Julie crept over to his side, eyes downcast, hands cradled in the corner of her shawl. From both directions gathered the folk of the quay, surely not wishing to see misfortune befall the neighbors of so many years, but not wishing to miss anything either.

JUST then a scream of rage and indignation rose upon the quay. Monsieur Deux Sous sauntering past had discovered the altered price on the fly-leaf of the red Rabelais. He was dancing and waving his cane at Monsieur Georges and Madame Julie at bay against the parapet.

"*Misérables!*" Monsieur Deux Sous screamed. "*Cochons!*"

The stranger took the two *marchands* each by an arm and drew them toward the waiting taxi. Not a soul on the quay seemed able to decide whether to say goodbye to the neighbors of years or to let their passing go unnoticed. Mère Larroquet indeterminately turned her salt-cellar 'round and 'round in her fingers and did not look up as the two went by in custody: Monsieur Georges wiping the tears from his beard with his torn coat sleeve, Madame Julie stumbling so that she must have fallen if she had not been supported.

"Thieves!" neighed Monsieur Deux Sous hard upon their heels.

"Monsieur," Monsieur Georges diffidently besought his captor, "Monsieur — you spoke just now of thousands — are you by any chance a judge of the value of paintings?"

For answer the stranger drew out his card-case.

"*Coquins!*" screeched Monsieur Deux Sous. "They ought to be hanged. They ought to be guillotined."

THE stranger, perhaps with intent to quiet the clamor, proffered Monsieur Deux Sous a card first. The effect was instant and profound. It was as if the name which met the *bouquineur's* eyes had been that of God the Father. And so attuned was every soul hereabout to the lightest opinion of Monsieur Deux Sous that a hush of reverence enfolded the quay.

The duplicate card given into Monsieur Georges's hand was equally potent. Reading it, the poor *marchand* went red, went white, stammered and choked.

"Your appraisal, Monsieur," he begged, "your appraisal of the *Morning in Spring!*"

"I find it," spoke the man who was, in this capital city of the world of art, at once dealer, critic, arbiter of reputations, maker of destinies, "an old theme handled in a manner entirely new and original. Its material value I should prefer to discuss with the artist."

"I am the artist," said Monsieur Georges.

"Oh, Monsieur," gasped Madame Julie, "how he will paint after this!"

They both spoke in English — whether because they shrank even now from the curiosity of their neighbors of the quay or merely because in this hour they found it natural to re-

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vert to the language of youth and hope. Anyway, only the man to whom they spoke understood — and their two young countrymen of course.

Even Monsieur Deux Sous didn't understand a word. But he saw the great man's hand rush out to grasp that of Monsieur Georges, saw, moreover, with what respect the august personage and *les deux jeunes gens* handed Madame Julie and Monsieur Georges into the taxi before they got in themselves. And that was enough for Monsieur Deux Sous. He turned to the stall where had stood, when last he passed that way, the little painting which he himself had been the first to esteem, clapped down two five franc notes and two coins upon the scarred St. Ursula, tucked the red Rabelais under his arm, and walked on smartly swinging his cane. Whereupon Mère Larroquet, as one who has asked and received a sign from heaven, dropped the salt-cellar she had been fingering, clambered down from her high stool, and ran to the curb crying heartily after her neighbors: "*Au'voir, M'sieur et 'dame!*" And down the quay as the taxi rolled past, stall after stall took up the echo: "*Au 'voir, M'sieur et 'dame!*"

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Genteel Stooping and Bending

By T. Swann Harding

Not long ago the American press featured a communication from Viscount Aguilar, private physician of the King of Spain, which expatiated upon the singular irregularity of His Majesty's physical and nutritive habits, and remarked particularly the paucity of physical exercise in which he indulged. The implication was that he enjoyed excellent health largely because he persistently violated most rules of hygiene. As His Majesty happens to share my chronological age these remarks arrested me. Indeed that is almost the only thing we have in common, the quality of being forty years old. (Of course, since the King of Spain is reliably reported to be forty-three, and my mother assures me by wire that I am only thirty-nine, there is something wrong here. Never having been good at arithmetic I shall not attempt to discover what; but I trust that I convey an idea of what the comparison would be like, if it held, which it doesn't.)

Even our marked tendency to inverse pulchritude is, in each case, a thing of peculiar and unique character, arrived at by an entirely different complex of mistakes in the assembling of our features. Yet I feel moved to aver that a little stooping and bending, such as one performs in attending the wants of a not particularly new or efficient furnace, or in raking leaves and carrying them somewhere in a basket (to deposit them that they may soon blow all over the place again) — a little stooping and bending would be a great help even to King Alfonso. Here the King's subjects are decidedly better off than he, especially when they approach His Majesty's person. Yes, I feel I must rudely insist, a little stooping and bending would not go amiss.

Nothing violent, please understand me; nothing to cause undue perspiration or cardiac intensity, or respiratory disturbance or gastric distress — but only a little quiet and easeful stooping and bending and such other genteel motions of the organism as are calculated to mobilize every muscle therein and leave none unelongated or unstressed. For, again appealing to the press, I find in an issue printed as late as October, 1928, that a gentleman of sixty-one was discovered in his Washington, D. C., apartment, the radio merrily erupting setting-up exercises, the dumb-bells gripped in his cold hands — stone dead. His death was assigned to "exertion due to exercise." He had quite obviously shared the very common American delusion that

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exercise, to be at all beneficial (and I shall argue about even that advantage somewhat later), must be a thing of great violence, a veritable muscular convulsion calculated to impress upon the mind of its victim that exercise has been taken.

THAT I may at once ground this casual statement in well authenticated scientific fact, I shall stop here to quote copiously from the famous *Bulletin 23* of the Carnegie Foundation, on "American College Athletics," which expounds the word as follows:

> In the first place, the notion appears to be very widespread that exercise in general and athletics in particular constitute a sort of panacea for all forms of ill health from flat foot to melancholia. As a matter of fact, athletics should be regarded as somewhat in the nature of a powerful medicament to be prescribed for one individual in one strength, and for another individual in another strength, and for a third individual to be absolutely proscribed. Neither facilities nor incentives for participation in active sports are provided for a large group of students, high school and college, who are physically fit but who do not possess distinguishing qualities or abilities that might make them serious competitors for places on intercollegiate teams. Secondly, there exist serious deficiencies in the relations of the medical profession to college athletics. All athletic aspirants are not subjected to adequate physical examinations to determine their physical fitness for participation in athletics in general and for any one sport in particular. Moreover, there is a lack of adequate medical care and supervision of athletic participants while engaged actively in training or in competition. . . . Thirdly, it cannot be too often repeated that certain unhygienic practices that are common athletic practices would not be tolerated elsewhere. For example, very often the same athletic clothing is worn without washing throughout a four-year period of track competition. It would be difficult to discover a more virulent example of the working of superstition in modern life. The use of the common drinking-cup, water bottle, and sponge in other aspects of daily life than those pertaining to college athletics is now prohibited by law in most States of the Union. General uncleanliness of athletic clothing, locker rooms, and wrestling mats gives rise to such diseases of filth as ringworm and impetigo. Finally, in high schools schedules of track and field meetings, swimming meets and basketball games are commonly excessive. In both high schools and private schools athletes are permitted to compete in an excessive number of track and swimming events in the same meet and such participation is often urged upon them.

I SHOULD like modestly to applaud Dean F. Smiley, M.D., Medical Adviser of Cornell, for these words, but at the same time to differ from his implication that physicians can always advise well about physical exercise. On the contrary, and I am really writing with what I might call the collaboration of a Swedish medical masseur and expert in gymnastics whose training required four years of university work, I doubt very much that one per cent of our physicians are really well informed on the subject of physio-therapy. They repeatedly fail to sense the scientific value of massage and corrective exercise in cases of circulatory disturbance or even of such serious things as paralysis, and they are apt to share the common American delusion that the acrobatics of the calisthenic cult before their open windows in the morning fifteen minutes, constitute something both scientific and beneficial.

Georges Clemenceau, the voluble press also informs me, was perfectly confident that medical doctors were less valuable to him than they thought. He was one of them, and he should have known. But in his last

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illness he appeared to persist in calling upon an unscientific cultist who instructed him in exercise which he insisted upon taking even after the man had been barred from the house, and thus managed visibly to shorten his span of life in the days of his final illness. Exercise is a medicament. The very use of dumb-bells implies at once that the exercise is therapeutic or corrective. The nature and extent of exercise must be individually prescribed, and any other method of utilization is ridiculous.

THIS Carnegie *Bulletin 23*, evidently destined to be very famous, is largely devoted to the exposition of a fact long ago expressed by a Chinese student in somewhat these words: "An American university is an institution of physical training where certain intellectual discipline is especially provided for feeble-bodied students." This opens the spacious subject of the historical relationship between gymnastics and mental culture, a subject with which I must deal most briefly. The gymnasium of the ancient Greeks was originally a school where competitors in the public games received their instruction, and was so named from the happy circumstance that said competitors exercised in the nude. Ultimately, however, the institution became connected with medicine on the one hand and with mental education on the other, and provision was made in the gymnasiums for complete mental, moral, and physical training. Philosophers came to talk or to lecture in the gymnasiums, and they became places of general resort for intellectual pursuits as well as for physical exercise. Thus Plato gives much attention to what we call gymnastics when he discusses education, and points out that the Sophist, Prodicus, first found such exercises beneficial to his own weak health, and formulated a method upon which Hippocrates and Galen made improvements.

This, like so much other human knowledge, was forgotten and neglected, and Rousseau, in his turn, called attention to the importance of physical training as an adjunct to sound education. F. L. Jahn and his followers succeeded in establishing in Germany the *Turnplätze*, or gymnastic schools, and the educational reformers Pestalozzi and Froebel both emphasized the need for systematic physical training in any complete scheme of education. Outside Germany and Sweden, however, and especially in America, gymnasiums and gymnastics have not been contaminated with intellectual accretions; and physical exercises, with or without appliances, have become the conventional therapeutic indoor sport.

THE dumb-bell, probably so-called from the head of its inventor, was in use in England in the time of Elizabeth, and the exercises which can be performed with it are really astounding. Before the end of the Nineteenth Century the medical profession became thoroughly convinced of the therapeutic (or suggestive?) value of physical exercises; and, if carefully prescribed and arranged upon scientific principles based on exact anatomical and physiological knowledge, they can indeed be beneficial. But as indiscriminately broadcast by radio to

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any and all who wish to indulge in muscular contortions as vigorously as they possibly can, exercises are worse than useless; they are dangerous. I say this advisedly, because masseurs have told me they were compelled to deprive their patients of books containing diagrams and explanations of exercises too strenuous for the individual in question, simply because every American considered it not only his right, but his duty, to perform the hardest exercise in the book as often as he possibly could, and greatly to the detriment of the carefully thought-out régime his masseur had prescribed.

I CAN still picture in my mind's eye an elongated and extremely attenuated gentleman of neurasthenic diathesis who, animated by the faith which passeth understanding, was seduced by the big muscle boys into the belief that "wholesome" exercise would gratuitously proffer him a physique. His room was adorned on all sides with pictures of complacent looking morons displaying enormous biceps and arrayed in self-satisfied smiles, and hardly anything else. I accused him of burning candles before them at times, but this he breathlessly denied as he sought to contract his six feet three sufficiently to do some labored floor-reclining stunt in a hall bedroom. (As a matter of fact he was biting a hole in the carpet as he answered me. He was compelled later to omit this exercise as he had the carpet all bitten to pieces. Besides, his instructor by correspondence supplied him with a leather mouth gadget which he was to masticate faithfully and thus render his lower jaw prognathic.)

He discovered after infinite pains and agonizing exertion that the exercises did not fabricate a physique. Neither did the exercises banish neurasthenia, and his expenditure in various exercising appliances alone almost bankrupted him. Meantime I, who have sedulously avoided all sorts of physical stress, except my homœopathic stooping and bending, am assured by my masseur that I have a really remarkable physique. (My autographed photograph and endorsement are for sale at the current rates.) And a globe-trotting friend assures me that the male South Sea Islanders who, he declares, do nothing more strenuous than suggest tasks for their wives to perform, and climb an occasional tree (for reasons that may easily be surmised) have astonishing musculatures.

A REALLY trained scientific masseur was recently requested to take charge of the gymnasium in a fashionable modern apartment house in Washington, D. C. When he went to look the place over he was both amazed and astounded to find sufficient expensive apparatus to equip a physiotherapeutic institute for the treatment of all sorts of diseases; and yet, presumably, this gymnasium was for simple exercises on the part of normal, healthy individuals who require practically no equipment whatever. This led him to visit schools in the same city where he found children vigorously and jerkily making physiologically absurd thrusts and punches at the behest of an instructor who seemed to know no more than they did, but who admonished them to go at it with vim and snap.

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In similar manner I myself observed several hundred people on the beach at Atlantic City in the summer of 1929, going through the most astonishing antics in imitation of a robust individual who was lifted up before them (as the serpent before Israel) in a high place, and who told them by all means to perspire vigorously and to "put a lot of snap into it." And any morning at all the city stroller, who is not too modest, may observe enthusiasts of both sexes, scantily clad, making obeisance in most extraordinarily fatiguing ways to a curious box from which noise exudes. Yet this exercise is usually performed in a way that can have no beneficial effect; it is not especially suited to the individual, and it is almost always entirely too vigorous.

Our athletic cult fails to distinguish between corrective or medical and normal or pedagogic exercises. It fails to distinguish between the mild muscular mobilization a chronically sedentary individual requires and the rigorous training needed to make a person a sport specialist. It tends to hold up to admiration the expert swimmer, golfer, shot putter or what not, or the man who has developed to enormous hypertrophy muscles which he does not need and which, in this state, simply throw more work upon his heart, lungs, and digestive tract than they would normally have to do. In America it is rare anyway for a person to exercise merely for physical well being; it is much more common for him to seek to excel at something which involves an ill-balanced training that is ultimately most deleterious.

Since it takes three or four years' intensive training to give an expert the scientific background in physiology, anatomy, and physio-therapy to advise exercise wisely for the individual, it is quite apparent that few medical doctors now in practice can safely do this. Writing on health supervision of industrial executives, a physician said not long ago: "This exercise (gymnastics), followed by a hot and a cold shower, strengthens their resistance during the winter and helps to relieve the fatigue accumulated during the day!" This is a very broad statement and would be only partially true if the exercises were most carefully prescribed individually by a man with medical training who specialized in this work, as does the individual I mentioned earlier herein, who has advised me while preparing this article.

Few people are 100 per cent healthy and can afford to risk indiscriminate exercise. There is where the medical doctor can be of great service and, as Dr. Smiley suggests, he should decide whether or not an individual is physically fit to undertake a specific type of exercise. Since I began with the King of Spain it seems appropriate to observe that Dr. Oller, director of the Institute of Physical Education of Madrid and just appointed president of the regional football federation in the central provinces of Spain, has expressed his intention of having careful physical examinations made of all men who play football. He believes that many acquire serious diseases and die because of this sport, and he intends himself to decide whether players are medically fit for it. It appears that the game is excessively popular in Spain

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where people believe, as they do here, that its most serious aspect is risk of injury. Not so at all, says Oller. The chief sources of danger lie in the heart and lungs. Many football players have died from tuberculosis and players with latent lesions have had serious attacks after violent exercise. Dr. Oller recommends that a physical examination for a license to play be made twice a season, that these examinations be carefully made, and that beginners especially have them before submitting themselves to absurd and forceful training.

In Berlin (and of course in Sweden) this same attitude is taken toward exercise. Dr. Oller himself is obviously Swedish. In 1928 a book on the therapeutic and medical aspects of exercise appeared in Berlin, in which it was remarked that no doctor is fitted to treat sportsmen unless he thoroughly understands the sports concerned. The book was a symposium by various doctors, and Professor Bier went so far as to hold that every doctor who advises therapeutic exercises must himself have exercised and must understand the subject thoroughly. Physicians were advised to follow an elaborate form in the examination of candidates for school sports; and football, boxing, wrestling, swimming, rowing, skating, ski-ing, cycling, and flying were each considered in detail.

M. Boigey (*Bull. de l'Acad. Med.*, Paris, Feb. 21, 1928) gave the reason for this when, writing on exercise and health, he observed how very bad the haphazard prescription of therapeutic exercises can really be; yet our average physician is inclined to say we need more exercise without becoming at all specific. Three cases cited by Boigey deserve brief description. The first was a man of fifty-seven, plethoric and suffering from high blood pressure, who was regularly performing a series of movements while lying down; he died suddenly while thus indulging himself, and cyanosis, congestion of the blood vessels at the base of the brain, and hemorrhage of the left third ventricle disclosed the cause. The second was a slender and apparently healthy man of forty-nine who had, however, what is correctly entitled "compensated syphilitic aortic insufficiency." He had been advised by a doctor to run a hundred meters each morning and he did so, until one day he felt suddenly suffocated and died soon after reaching home.

Finally, Boigey tells about a plethoric and hypertonic gentleman of fifty-nine who was advised by a doctor to change his cold morning bath for a tepid one. He did this for a while but was finally overcome by the blandishments of some health faddist and changed back to his icy morning plunge, whereupon he had a stroke; because vascular constriction takes place when we enter a cold bath, this causes momentary hypertension at the time of immersion and is bad medicine for older people. Boigey continues that the kind and amount of exercise must be carefully regulated for each individual, and adds that the aged, the sedentary, the hypertonic and the plethoric should be very careful indeed about taking exercise; what they do take must be not too vigorous, and the head should always be held upright

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— as it can be, of course, in my genteel stooping and bending.

However, something should be said about the health value of exercise. In answer to a physician's query on this subject *The Journal of the American Medical Association* once declared that there is no evidence that physical education affects longevity one way or the other. Pearl and others have pretty definitely shown that the only way to live long is to pick long-lived parents. Female longevity is quite consistently greater than that of the male, yet the female quite as consistently exercises less; of course, a sex variable enters here and even the metabolism of the two animals is different. There is little or no exact scientific information about the effect of exercise on general health, although properly prescribed corrective exercises for the feet, the posture, weak muscles, or constipation are very beneficial.

THE opinion that exercise of any sort is beneficial is based upon the fact that we feel better after exercising. That this may be true even when the exercises are shockingly unscientific is quite suggestive. At any rate this evidence is not scientific, and even the apparent increase in the white blood cell count due to exercise may be mere evidence of some sort of internal redistribution. "By analogy, by all the related facts of growth and development, it may be argued that exercise has hygienic possibilities. Adequate proofs that it has are not available at present." Here my masseur has, I find, disagreed so violently that I was compelled to hold a cake of ice to his head and pour barley water over him. His theory is that the American doctors are misinformed, but the only evidence he cites is in Swedish, and I never have been able to read the language fluently on rainy Sundays in January.

PERHAPS I'd better turn to perspiration, as a "good sweat" is part of the American daily dozen cult — a daily dozen, oddly enough, sent over the air by a Life Extension Institute, and yet scientifically calculated to do more harm than good to its devotees, simply because they exercise without exact information about their physical qualifications for the stunt in question. About 1926 one of the more austere journals read by biochemists — I may as well confess, it was *The Journal of Biological Chemistry* — contained an interesting article about a boy who was born without sweat glands. H. B. Richardson studied him and reported that, of course, he could not sweat. Unfortunately, he enjoyed excellent health by the simple expedient of wetting his shirt in the summer time.

This led *The Medical Journal and Record* of New York (it was August 4, 1926) to observe editorially that the sweat glands have little eliminative utility or function and that they are not essential organs of secretion. This leads directly to the idea that exercising till you sweat is both silly and non-essential. It leads to the further observation that our human musculature is vastly bigger than we now need and that it is also ridiculous to develop unnecessarily a group of superfluous muscles, by overeating or by overexercise, merely to exercise more in order to eat more

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and keep them better in shape. In short, "it is highly questionable whether for health we need to exercise more than we are naturally inclined any more than we need to work our sweat glands systematically." While this would lead me to a still lower level of exercise than at present, especially in summer when my stooping and bending become less compulsory, I utter a feeble cheer and hammer the keys slightly less exhaustively.

THIS brings me to fatigue, and I can say no more than Mosso has already said most effectively in a remarkable little book. You can fatigue any muscle, by prolonged exertion thereof, but you can render it again contractile by washing it, through its artery, with a 0.7 per cent salt solution. You can not use pure water because that is rank poison to muscles, and (avaunt Prohibitionists!) would make them swell up — in short, it is toxic. Strenuous work done by a muscle which is already fatigued harms it more than a much heavier task performed under normal conditions. If the muscle is in your arm, and your arm is still attached to your body, massage or certain carefully defined types of exercise will rest it, too.

Sensitiveness may be fatigued, for sensations fatigue us, also, and it then requires greater stimulus to produce a reaction than before. Nerves, alas, fatigue before muscles. Thinking definitely drives the blood toward the brain, and respiration is modified during attention. The heart beat differs in intensely excitable persons, and if exaltation reaches a certain point of intensity they may pass into comas. The fatigued brain can not be attentive and too violent physical exercise (and most daily dozens are far too violent) renders people too tired for mental work. Thus it is that Alpine ascents often result tragically merely because physical fatigue has so far dulled the senses that the mind can not make sound judgments of distance.

WE TAKE about 134/1000 of a second to respond with the hand to a touch on the foot, but fatigue will almost double this time, and distraction caused by the playing of a discordant hand-organ can increase it 50 per cent! Stimulants, like coffee, decrease this reaction time which, Gaule declared, differed among nationalities — the Germans bumping clumsily into each other on the streets in a way Italians never did. There is no definite boundary between physical and psychological processes and the effects of study, like those of love, stimulate the circulation, increase perspiration, cause high blood pressure, lowering then rising temperature, palpitation of the heart, vertigo, rapid pulse, difficult respiration, digestive disturbances and, finally, actual muscular fatigue.

Plato tells us that Empedocles "attended the dissection of one who died of love and that his heart was combust, his liver smoky, his lungs dried up, in so much that he verily believed his soul was either sodden or roasted through the vehemency of love's fire." It can, apparently, get very acute indeed. Once fatigued mentally, however, whether by love or more legitimate pursuits, a change of occupation or a few calisthenics will not rest us unless the fatigue is

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confined to a small brain area. Nervous and psychic energy are the only types we have and they can be restored only by complete immobilization and dispersal of thought. Laboratory tests have shown that a professor is far less able to perform muscular work after he has prepared or delivered a trying lecture than before, and it would be very ill-advised for him to rush out and exercise to "restore" his energy. Intellectual fatigue brings physical fatigue, lost muscle tone and faulty circulation in train. Then violent exercise must be avoided, and to stand mentally tired children up in school and put them through some "snappy" calisthenics to "rest" their minds is scientifically the height of absurdity. Our high pressure education of today is already reflected in decreased vitality and increased pathological manifestations on the part of the children, and they should not be further tried by ill-advised physical "instruction."

Coming back now to King Alfonso and to me — plain sedentary individuals need a modicum of physical mobilization to keep them in moderately decent trim. The King is, I believe, (our acquaintance is somewhat distant, of course,) rather more active than I am. He seems to bustle about and do a great many things my congenital lassitude forbids me. To be more specific, since I definitely represent the office-chair inhabiting animal, I suppose I should lay down exactly the régime of exercise needed. I can not, because it is an individual matter. My mild bending and stooping; some head turning, bowing, and rolling; a series of exaggerated but genteel leg stretches, and a certain specified manner of climbing a few flights of stairs daily, do me very well. The whole business occupies less than fifteen minutes; it does not fatigue; it will not cause a drop of perspiration even in summer, and it is designed scientifically to mobilize certain groups of muscles in certain definite ways suited to my individual needs. I can only say — go you and do likewise, if you are fortunate enough to find a really scientifically trained expert in gymnastics and massage.

At this point one of my best and truly valued friends, the most distinguished medical specialist in the country, perhaps, in his chosen line, read what has been written and wrote —

> I haven't much faith in the average doctor's ability to tell people what they should do and what they shouldn't. Remember that Sir James Mackenzie used to foam at the mouth when anyone tried to advise a patient on the basis of what was heard in his heart or recorded on the electrocardiograph. He always asked, "What can you do, with comfort?" And after the patient replied he would say, "All right, go do it."

I nevertheless feel that medical men who have specifically specialized in this field could scientifically advise their patients about exercise, and to them alone I refer. I note, among other instances, that Austria has within the past year introduced a most rigid medical examination for athletes and it is curious that many "professionals" have deliberately eluded the examination for fear they could not pass it. Thus I shall be content to stoop and bend in a very careful manner and to take expert advice about exercise when I am so fortunate as to find it.

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Whether Pigs Have Wings

By Gerald Chittenden

Is conversation a lost art in America?

Our toys tell the ultimate truth about us. A nation's government is either an accident or a disaster; the taboos of its religion designate a more or less successful compromise with life as it is and with traditions as they once were; its education is either utilitarian, futilitarian, or mildly insane. In toys only is there release for those repressed desires by which folk really live. Therefore, the soul of the American nation should be examined as it is revealed in the advertising pages of the best and the worst magazines.

There we find a glut of furnishings for the adult's nursery. Things that move and things that make a noise are naturally predominant. Pressing them close come things that will make us beautiful, paralleled by things that will make us seem other than we are; imperial bathrooms that foreshadow a Roman wish to make washing a public ceremony instead of a private pleasure; filing cases you can climb about on during dull hours in the office, and an absolutely infinite number of gadgets for opening cans, macerating calories, and squeezing vitamines. Some day, it may be, a savant as yet unborn will be awarded a hood and an assortment of alphabets for a treatise on *The Ethnological and Philosophical Significance of Low Sales Resistance.*

I wonder if one sort of an advertisement will attract his distinguished attention as it should? The waiter-astonishing courses in French, for example — hypodermic, instantaneous, and effective without surgical shock — suggest the existence of values not altogether materialistic. So also do the one-volume compendiums of vital information, now at last flowering in an only moderately lengthy tome with the modest title, *A History of the World's Knowledge.* So, and with especial significance, do the courses in conversation. Their ballyhoo appears in magazines of all grades; there must be literally millions of simple souls in this country who are sitting up o' nights assiduously and charmingly discoursing with imaginary, astonished, and admiring hosts and guests.

Charmingly — that is the point. For, underneath all our hurry and materialistic effort, underneath our efficiency, our mass production, our hard-baked — or hard-boiled — surface, lurks this quaint, funny, and pathetic wish to be charming. Harsh

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critics, the big, bad boys of current literature, boasting of some loud and terrifying quality which it pleases them to call adult-mindedness, thumb their noses at this common desire and call us infantile. They are quite correct, of course; we are infantile, but there is no obvious reason why we should be ashamed of it. The infant is healthy, enjoys life, and sometimes makes other people enjoy it — a habit which may be idiotic but is hardly criminal. The leading characteristic of the so-called adult mind seems to be a desire to be as disagreeable as possible to as many people as may be, and to proclaim that nothing which men have desired was ever worth the getting. No doubt they are the people and wisdom will die with them, but for the rest of us there can be no sting in such a death. Certainly conversation with them is impossible; they are too sure they are right. Let us be infantile if we must, then, and charming if we can.

WE RECOGNIZE that conversation is the vehicle of charm, and yet we never trust ourselves to talk. Observe, for example, how we entertain foreign visitors. We try to show them all our toys at once. To be sure, we ask the most intelligent people we know to meet them, but, having done so, we give nobody a chance to perform. We serve dinner so late that it must be gobbled under the pressure of a later engagement, and then jump into something and go somewhere to see a play for which we arrive too late, or some people in whom we are not interested. We drive them rapidly over excellent roads, crowd them into an elevator and shoot them to the top of our tallest building, or cram them into a railway car and propel them under a river; we never leave them alone for a moment, and never really talk to them at all, although we are pleased to death if they will talk to us — from a platform. In short, we run the poor devils ragged with our ferocious hospitality, all because of our wish to give them a good time. It is no wonder that they, almost unanimously, gasp out from the gangplank of the departing steamer, "Delightful people, the Americans; but they don't know how to talk."

WHETHER we do or not, we seem to be unwilling to entrust a single evening to our conversational powers alone; we depend on our toys. This state of mind, like almost everything else, indicates the existence of an inferiority complex. We think we can not talk because we have been told so, frequently and more or less politely.

I wonder if we have any idea of what conversation really is? Nothing dispels the fog of unreasonable awe like a definition. Conversation, then, is a very different matter from controversy, and can never exist in its attractive form when opinions strongly held are strongly supported. In fact, all controversial matter should be rigidly excluded. The word itself means a turning of things over and about to see what they look like, and has no kinship whatever with the high words that arise between two little girls who both want to use the doll carriage at the same moment. Obviously, the ability to listen is essential. It is a rare talent in this country, perhaps because our capacity for it, never large, has been im-

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paired by phonographs, radios, after-dinner speakers, and other inventions which we are not allowed to interrupt, so that, corked and wired, we explode in the face of anyone equipped with ears as well as a tongue. Dr. Johnson, adept in the mystery, rarely interrupted, although he did roll about and mutter and blow like a grampus. His remarks, as Boswell records them, seem to have been for the most part pungent and brief. Perhaps in that brevity, as well as in the high muzzle velocity of his salvos, lies the secret of his position in Eighteenth Century London, a phenomenon difficult to explain by any other theory. His hatred of sham, also, and his power of stripping it naked and sending it shivering away, contributed in no small degree to his conversational skill.

For sham of any sort makes conversation impossible. The man who must be always funny, or always serious, or always literary, musical, artistic, politically-minded, kind-hearted, caustic, or indeed always anything, had better go outside and gnash his teeth with the other hypocrites. We are none of us always anything, and, when the stage is set for what a friend of mine calls a Colonial Evening, with tobacco, a fire, and other necessities for the delectation of a company determined never to go to bed again, we can not even pretend to the ghastly virtue of consistency. To the devil with it, gentlemen; let us explore, and forget our souls, our consciences, and our sacred digestions. In such company, talk ranges free, becomes accidental and surprising; wit — and there is always wit — ripples and sparkles like sun and wind on blue water, conscious of the depths without ever plumbing them. They are Rabelaisian evenings — and where can you find such in the United States?

Well, in a rather surprising number of places when you come down to it, though never among groups of the adult-minded, who meet for no other purpose than to scratch each other's backs. Such groups make a business of conversation and not an art of it; they work too hard and too self-consciously, and are inordinately proud of their product. An art is always the æsthetic use of a science; the art of talk is the æsthetic use of the science of living. As in other arts, the fundamental science must be learned first.

We are, it seems to me, engaged in developing a brand new science of living in this country. It is so radically different from and opposed to the philosophy of our fathers and of Europeans today that the exponents of the old refuse to admit the validity or see the beauty of the new. Our new economic theory, for example — the theory that high wages make good markets — is revolutionary. It may or may not be sound, but the experiment is worth making, and, if successful in a long run, will inevitably furnish a brand new foundation for life. I am aware that the statement is ammunition to those who claim that American life is merely sordid and materialistic — an easy accusation, before which we are far too humble. Every civilization is to a large extent materialistic at bottom. Certainly, the *ancien régime* in France and elsewhere owes its charm to the leisure of a few, and

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leisure is a result of material welfare. The conversation of France is still predicated on the aristocratic tradition. The present régime in Russia is avowedly materialistic; only the Russians can possibly know if there is good talk there. Even in the Italian renaissance, culture became possible only after wealth had accumulated. Indeed, to say that our civilization lacks soul is too easy; I do not know what it means. "Nor soul helps flesh more, now, than flesh helps soul."

JUST at present, to be sure, we are breathless from our effort, and considerably puzzled about its outcome. We have not wind enough to talk, and our toys are new. At the moment, the foreign school of conversation is probably better than our own; it would be nevertheless fatal for us to imitate it. In this country, this imported article is a sort of sham, a hothouse exotic. It expresses nothing which has developed in or from our own life. Conversation, if it be anything real, is the overflow of experience; there must be a head of water behind the dam.

The experience of most Americans is of necessity somewhat narrowly specialized. Furthermore, we have an ingrained belief that the cobbler should stick to his last until he becomes notorious or famous, after which, he may amuse himself with other trades; having made motors for half a lifetime, he may at long last talk authoritatively about morals. Here also we grope, or perhaps toddle, toward the right idea. Culture implies a comprehensive knowledge of something — anything — as well as versatility and ease. There are enough general topics in all conscience to fill an infinity of evenings, and in regard to them our specialties and our experience of life furnish a mine from which we can stamp out comment, rather than merely provide a hole into which we must needs more and more deeply burrow. An expert is not open to challenge by a layman in his own field; he is decidedly open to challenge when he generalizes from his specialty. From such challenge and counter challenge rises true conversation. Let us define it, then, as talk dealing with matters about which we are not and probably never can be fully informed, with speculative conclusions and not with the bare skeleton of facts on which our speculations must be based. Short of that, we do not converse; we listen to lectures.

SYMPTOMATICALLY, there is too much lecturing in our schools and colleges. The docile taking of notes is still the curse of education, although it tends to vanish in these days. We used to regard education as a process of filling certain undergraduate bottles and corking them with a degree, so that, after the seal was affixed, little could get out and nothing whatever could get in. We are reforming that indifferently, for the contemporary undergraduate cultivates the mood of challenge, and is more and more inclined to insist that his brain is a tool and not a container. It is his influence that is blowing the cobwebs out of the academic mind; as a result of his point of view, we shall presently have much more wondering what it is all about — and that is the mood of conversation.

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So perhaps there is hope for us after all. Certainly, there is widespread doubt of and dissatisfaction with our civilization, as well as an adumbration of the difference between leisure and idleness. Idleness must come first; it can not exist in a pioneer community. As the possibility of material expansion and physical enterprise begins to diminish, the spirit of adventure begins to turn inward. Lacking blank spaces on the map, we discover them in our own minds, and, with a wholly natural abhorrence of a vacuum, seek to explore and settle them. Thus the courses in conversation and the handy compendiums of universal knowledge, absurd though they be, yet indicate a desire for speculation and for the digested experience which is the basis of speculation. We may hope, in the face of our critics, that our civilization will flower in the arts, including the art of conversation. Civilizations have always done so.

Dark Sky

By Hortense Flexner

This hurrying cloud wrenched out of chaos' side,
Moves with too large a step across our low,
Tight-fitting sky — the pattern is too wide
For men who live beneath a roof to know.
Never for us this threat! It has escaped
From some vast mold of wrath, some world still new,
Where evil has been born and torment shaped,
In gardens chaste, still wet with fiery dew.
We clutch at hats and bend against a wind,
That shall pass by and break no tree, no vine.
Earth is too old, our sin is too long sinned
To spread the sky with terror for a sign.
We shall not see, through darkness racked and seared
The angry hand of God tear at his beard.

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Manning—Cathedral Builder

By Arthur Styron

L'archéologie et l'architecture nous ont révélé l'organisme, le corps des cathédrales; qui nous en dira l'âme?

Like a symbol of heavenly impulse, the Cathedral lifts its bold vertical lines against the wintry sky. One is conscious of something just in proportion, strong in building, noble in harmony. A new snow has fallen, obliterating the signs of building operations and softening the rugged unfinished lines, thus giving a sense of perfection to the magnificent fragment. Even in its incompleteness, the great church is majestic, holding the promise of the glory it is to be.

Two great unfinished towers are raised in the air like supplicating hands, graciously concealing their imperfect adornment beneath pure white gloves. From within the dim recesses of the church, boys' voices can be heard singing *Gloria in excelsis Deo, et in terra pax hominibus bonæ voluntatis.*

The old chant echoes familiarly, Glory to God: unity among men! Surely that is the meaning, too, of this majestic edifice.

The Cathedral of St. John the Divine is not like the cathedrals of Italy, with their glowing mosaics and rich frescoes, nor like those of Spain, with their vast gilded retablos and brilliant paintings; but in this noble structure crowning Morningside Heights in New York there are a temperate richness of detail and a straightforward simplicity of the whole that require no aid of color. The columns and boldly rising walls give the impression of continuity which the imagination can prolong into infinity — and that is God! Each part unites to support another without losing its individuality, all with a gentle drawing power to a focal point — the altar. Everywhere is perfect oneness and beauty. An unmistakable idea pervades: unity. The structure proclaims to the world what perseverance and unity will accomplish.

A nation writes its history in buildings, and our commercial architecture expresses powerfully a new age in industry and trade. But in the utilitarian purpose of even the most significant skyscrapers there is lacking the inspiration that goes into the construction of a great cathedral. Beautiful and impressive though they be, our far-famed towers of commerce remain only striking monuments to materialism, whereas the

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Cathedral of St. John takes root naturally in the ages, and expresses the aspirations of men as validly today as when Amiens was built. Artistically, it is an expression of man's attempt to correct chaos by the representation of something universal and eternal; spiritually, it is a symbol of his struggle to find a foothold in existence.

AT THE beginning, critics called the project grandiose and impractical. Old World cathedrals, they pointed out, were essentially the product of the times and social conditions that gave them birth: times of popular enthusiasm in architecture in which religion was the inspiring influence. Then the cathedral was a civic as well as a religious institution. While men differed then as now in ideas, they did not organize their differences; the community could express itself corporately through the Church, a divinely organized and constituted unity, under the leadership of the bishops. But in the present day, when differences of opinion within the Church are organized as distinct units, there is no longer a community in the catholic sense, and no leader in the person of a bishop powerful enough to qualify as a cathedral builder. Therefore, for one of the many units of the Church to build a vast cathedral would be an impossibility — an anachronism.

The very bigness of the idea, however, giving men the feeling of something greater than themselves, and of a power transcending their own, strongly appealed to popular imagination. The huge edifice was to be a tenth of a mile in length; it would soar to a height of four hundred and sixty feet, the longest and highest (exterior) cathedral in the world. It would be fourth to the greatest in area (St. Peter's, Seville, Cordova). Bishop Potter, in setting forth his and the founders' reasons for planning a cathedral on such a vast scale, had — unconsciously, perhaps — used almost the very words of a celebrated canon of Seville Cathedral (who spoke of future generations thinking them madmen for attempting that structure) when he said: "The magnitude of this plan makes it impossible that the timid souls of this generation can reduce the design to something that future generations would hold inadequate and unworthy."

BUT great cathedrals are not raised by the imagination or minds of men, or by the efforts of skilled artisans alone. The hearts of men must be stirred. There must be behind the project a popular movement comparable to the communal efforts of the Middle Ages when the labor, sacrifices and devotion of poor and rich alike were represented. Of the building of a French cathedral in the Middle Ages it is recorded that "masons came flocking in all directions, offering their services for nothing, save board; men, women and children worked night and day to perfect the great work. Nobles gave their treasures. . . ." In the English cathedrals, windows were given by the stoneworkers, the tanners, the shoemakers, the furriers and drapers, the butchers, the carpenters and coopers. There were peasants who gave of the work of their strong arms, who pulled the carts and carried stone for others to set cunningly

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in place. The burgess gave his silver and the baron his land. The artisan gave the skilled craft of his hand, and the artist his masterpiece.

It was in sensing the necessity for such a communal movement, and giving it voice and direction, that Bishop William T. Manning was able to take his place among the great cathedral builders of the world.

He had thought, written and said much about visible Christian unity. It was a matter of vital interest to the world; it lay back of and held the key to all other problems, national, and international, social, political and economic. In all schemes for unity, conferences naturally play an important part, for how can men understand their differences unless they meet together and discuss them? In the very effort to understand there is a creative plus: the sum of minds, even though in conflict.

But the matter of unity goes deeper than this. Religious formalism is a rock both of safety and of danger. If it is admitted that unity can be effected upon an intellectual basis, it must also be admitted that it has a right to fall apart on the same basis; so that real unity is more than an ecclesiastical problem. Of greater value than meeting together to discuss differences, is meeting to *feel* together. Ultimately the only true basis of unity is Living the Life.

The truth is that while recognizing the ugly fact of disunity in the Church today, people are a little tired of it. It is something that ought not to be. Surely the greatest thrill of possession is communal! Americans do not let their political differences affect their patriotism. Now the first thing that strikes one about the Old World cathedrals is that they are democratic and free. In their vastness and impersonality anyone can feel at home. Strangers do not consider themselves trespassers there, as they sometimes do in parish churches. How many of the hundreds of thousands of Americans annually travelling abroad have been hindered from enjoying the glories of the French cathedrals because those edifices are Roman Catholic? Or of the English cathedrals because they are Anglican? How generously Americans, without regard to race or creed, responded recently to the appeal to restore the glories of Rheims, shattered in the war! Logically enough, then, men who believe in unity will believe also in cathedrals as a place where they can meet and feel together. For that *is* unity.

Even if ecclesiastical unity does not exist, however, men can raise a symbol to it as an ideal. The lives of men of the present are not less exalted than those of the past. Underneath the obvious materialism of a highly industrialized age there is to be found a vigorous spirit, as well as an extraordinary enthusiasm for great causes and a democratic reaching after unity.

These were the motives with which Bishop Manning approached the difficult task of completing the Cathedral of St. John the Divine. By his wise administration and his keen sense of justice he had already endeared himself to the great majority of his clergy and flock. And he enjoyed the confidence of the com-

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munity as a whole. While not advocating Socialistic standardization of or Puritanical interference with social behavior, he had always taken a bold stand for the sacredness of the home against promiscuous divorce, for economic justice which he called practical Christianity, and for the revival of patriotism in the sphere of civic responsibility.

In his personal relationships he is definite and direct, but always sympathetic. There is nothing of good-natured heartiness or back-slapping geniality about him. He is kindly and courteous, and surprisingly ascetic for a man so delicately attuned and responsive to the reality of the world about him. His asceticism is intellectual rather than of the cloister, perhaps; but nevertheless one instinctively feels that he is a man who serves principles before personalities. Yet so keen are his wit and understanding of character that he is able to make men conscious of what they feel and to send them out to do better things than they ever meant to do, thus utilizing experience in all its richness that otherwise might have been lost through lack of understanding.

Such was the man who was consecrated Bishop of New York in 1921. Almost fifty years had then elapsed since Bishop Potter had obtained the charter for the Cathedral of St. John the Divine, and about thirty years since building operations had begun. In this time the crypt, the choir, the seven chapels of tongues, the crossing, the foundation of the nave, and certain auxiliary buildings had been built, representing an expenditure of about six million dollars, or about one-quarter of the total work.

Bishop Manning chose Sunday night, January 18, 1925, as the time for launching the great popular movement, representing all classes of people, to raise funds for the completion of the Cathedral. The success of that meeting is a matter of record. More than fifteen thousand people, a representative cross-section of the life of the metropolis, including men and women from almost every business, trade and profession, of diversified economic status, of many different beliefs, and of varied races, were present, and five thousand more were unable to gain admittance. The audience, which was itself an embodiment of faith in the project as a symbol of spiritual belief and civic beauty for all New York, was carried off its feet by waves of enthusiasm and civic pride. It applauded and cheered Bishop Manning with bursts of enthusiasm that shook old Madison Square Garden to its rafters.

Under the inspiration of this movement and supported by many groups of citizens, building operations, representing fully half of the total work, are well under way. Nearly twelve million dollars have been raised, largely by the solicitation of the Bishop himself. There is every reason to believe that a part, if not all, of the remaining work — the great central tower to replace the present dome over the crossing, the south tower, the chapter house, and the reconstruction of the choir and sanctuary to harmonize with the present design — will be accomplished during his episcopacy.

However, building operations have

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gone forward all too rapidly to the minds of a few, who point to the Old World cathedrals that were centuries in the building. It must be remembered, however, that delay in those cases was more often a matter of lack of funds; but even at that, many of the most conspicuous were completed in less time than St. John's will be, notably St. Paul's, London, in thirty-five years; Chartres in sixty-six years; Rheims in fifty years; and Amiens in sixty-eight years.

A CATHEDRAL is not simply an arrangement of columns, vaults, walls and windows. For its building all forms of art — painting, sculpture, mosaic, inlay, work in iron, bronze, lead and other metals, gold, silver, and precious stones — are pressed into service. Consequently any cathedral is, as St. John's will be, actually in the building throughout the centuries — appropriately, since it represents the convictions and aspirations of generations. As a fabric, however, it is largely an intellectual expression; and the most beautiful of the cathedrals are those that were constructed within a century in accordance with the original plans, and therefore stand as more perfect architectural units.

Then, too, the financial resources for building a modern cathedral are different from those which supplied the means for building many of the Old World cathedrals. Westminster Abbey was built almost entirely from revenues of the kings from Henry III to Henry VII. St. Paul's was built from gifts of penitents who performed their penances in money. Pope Honorius prescribed collections in all Christendom for the building of Rheims Cathedral. Malines (St. Rombold) was built with money paid by pilgrims who flocked thither in the Fourteenth and Fifteenth Centuries to obtain indulgences issued by Nicholas V. The *Tours de Beurre* of Rouen and Bourges were erected by money paid for indulgences to eat butter in Lent.

Today, reliance is placed upon voluntary contributions from those who have caught the civic and patriotic as well as the religious inspiration of what is to be America's greatest cathedral. In line with this spirit, gifts to St. John the Divine have ranged from hundreds of thousands of dollars to a few pennies. One family gave the completed baptistry; children built one of the great arches of the nave with their pennies. Kings and rulers have sent their gifts of gold and embroidery; workmen have given of their day's hire. The entire pavement of the nave is being built by funds given by pilgrims to the Cathedral — evidence, surely, of the widespread interest in the great structure.

THE logical and convincing answer to all the criticisms that have been made of the undertaking is the glorious and imposing French Gothic structure that is now rising, stone upon stone, on Morningside Heights. To those who always believed in the success of the project it is a vindication of faith. To those who doubted, it is a reproach. To those who scoffed, it is a rebuke. It is an answer written in nobler and more abiding material than words: it is written in massive pier and ponderous arch, in sculptured marble

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and carved oak, in stained glass and inlaid mosaic, in embroidered fabric and woven tapestry in order that future generations may learn that men of our day aspired to enshrine in solemn beauty the spiritual mysteries by which they felt themselves surrounded, and that civic pride and faith in the community were still alive.

ALTHOUGH Bishop Manning will go down in history as one of the great cathedral builders, there is little doubt that this is the last thing he would have chosen to be. He would have preferred the quietest of administrations, devoting himself to the direction of his clergy and the spiritual growth of his diocese, for he constantly stresses the chief need of the Church not as the raising of money and the perfecting of organization, but the revival and renewal of faith which alone can save men from self-complacency and egoism and imbue them with a spirit of humility and a sense of spiritual need. But his love for the things for which a great cathedral stands furnished him with the attributes of a cathedral builder; circumstances forced him into that rôle. The Cathedral of St. John was not his undertaking but was inaugurated by those who went before him. The burden has been a heavy one; he has done everything in his power to carry it along with the other work and demands of his great diocese.

One great reward, though, has been the Bishop's: the quickening effect of the Cathedral building upon the progress of his diocese. Not only has this building not interfered with or drawn off from the funds needed for other work, but during the period gifts for diocesan and general work have been larger than they ever were before. It is as if the raising of the Cathedral had deepened the springs of faith, aroused new interest, and stimulated the spirit of giving. The spiritual life and growth of a church can not be tabulated in figures or exhibited in reports, but it is significant that with the rising of the Cathedral the building of new churches and missions and the raising of endowments have grown in the diocese.

MEANTIME, Bishop Manning is building for the ages on Morningside Heights, and will go on with the task. Not only is the Cathedral an honor to New York and the country; it is one of the world's greatest monuments. It is not only an edifice in stone; it is a splendor and a hope, before which all stand lost in wonder, love and praise. The mind bows to the magnificence of its fabric; the spirit is humbled by its symbolism. This is Truth — the sum of human aspirations — and only in such truth is real unity to be found. It is praise such as only art can express, a passionate declaration to God, a summoning of all peoples — the real meaning of a great Cathedral. *Gloria in excelsis Deo et in terra pax. . . .*

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War in the Film World

By Reginald Wright Kauffman

The farce of Europe's campaign against American movies summarized by a noted foreign correspondent

What, after all, is an import permit? Exactly what is meant by the privilege it grants — in the economists' phrase, the Right of Importation? Judging others by our own definitions, we Americans have fondly believed it was something that foreign governments gave — in return for payment of tariff duties — to our exporters whereby their goods, thus legitimately across the frontier, were free to be sold.

That, indeed, used to be so. But Europe has now another theory: the Right of Importation is simply the right to bring your wares over an imaginary line. Then you must buy wares manufactured there — similar wares, even if inferior — before your own may be offered for sale.

This "contingent, or quota, system" is being used as the favorite, though double-edged, weapon by powerful European forces at war with the American moving-picture industry.

The aggressors' motive is quite human. As in a score of other industries, foreign manufacturers want to enlarge their American activities, so there exists no European film-maker who does not dream of making pictures that will succeed in opulent America. Too frequently unable to realize these visions by other means, such dreamers have resorted, through their governments, to the contingent systems: in those countries, exhibition of American pictures is hampered unless their producers buy native pictures for showings in the United States. Details of the system differ in different lands; in intent, it is uniform: it amounts to asking the Americans to subsidize the foreign, and competitive, industries.

Starting in France while the Versailles Treaty's ink was wet, the war's first campaign endured a full decade. Between 1914 and 1918, that country had lost world film-leadership. The manager of the most powerful among Parisian morning newspapers decreed reconquest. He organized the Cineromans Company, built fresh studios, rallied his fellow French producers. Production began; began also puissant propaganda for the spread abroad of Gallic culture — especially in well-paying America and of course through Gallic pictures.

Useless. People — French people,

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for that matter, as well as American — preferred the United States' product. There was never a thought of the downright barring of American films. French cinema-goers demanded them for their quality of production, and even quantitatively national producers were unable to meet picture-demands.

THE question was how to invade the United States. Our producers, having dividends to pay, wanted successes whencesoever acquired: for home release, they bought every Gallic film that they thought might earn its way. Unfortunately, in nine cases out of ten, they thought wrong; the burnt children avoided stoves. At last:

"Why," asked the French, "don't you buy more?"

"Why," the Americans countered, "don't you run your own theatres and supply your own films to them, in our country, the way we do in yours?"

To that, silence. As to something else, however, clamor. After a war council, the French producers proposed to the Americans that the latter, as a return for the privilege of offering their wares in France, commit themselves to buying annually a fixed number of French films, at a fixed sum, for the American market.

Fantastic! Incredible! Those Americans gasped: "You can't be serious."

They were, though — those French producers — and politically influential. On February 18, 1928, Edouard Herriot, Minister of Public Instruction and Fine Arts, created and legalized by fiat the Cinema Control Commission to which the Government surrendered all regulation of the industry. Of the Commission's thirty-two members, one-half represented the governmental departments, the other half the various branches of the business — in other words, the National Motion Picture Syndicate. This body possessed autocratic censorship, and it was empowered virtually to "compel foreign producers to buy French films if they wished to release their films in France."

IT SET to work immediately. Whereas the previous import duties remained intact, it ruled that, for permission to exhibit every four films they imported, the Americans must buy one French film and exhibit it at home.

France had won. Before too late, might she be shown how Pyrrhic was her victory?

Former Postmaster-General Will H. Hays, president of the Motion Picture Producers and Distributors of America, went to Paris. Lengthy negotiations were laboriously pursued. Mr. Hays offered no protest against France's high tariff on our films; he merely argued the unfairness and poor policy of that after-tax. The French shrugged. Still, the most they would offer was a postponement.

Nevertheless, this involved temporary concessions. A seven-to-one quota replaced the four-to-one. American producers might release their films to France by (a) buying French films with their licenses included, (b) buying the licenses alone, (c) producing French films through French subsidiaries. Furthermore, the Commission abandoned its right

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to revoke licenses after issue and provided that, without buying any French films, "each distributor of foreign films shall receive licenses to distribute them, up to sixty per cent of their last year's releases."

Hoping to constrain the Americans to produce in France, the French Motion Picture Syndicate then recommended to the Commission that, after two years, a two-to-one quota be established.

"In that case," declared Mr. Hays, "our organization simply cannot afford to do any more business with you."

"Nonsense!" the Gauls replied. "Even under our heaviest restrictions, you've been supplying our country with nearly two-thirds of its picture-theatres' needs."

"At a loss," said Mr. Hays.

And, toward the end of last March, the Americans — save for the completion of pending contracts — shut down all their business in France.

NOTHING more was necessary. The French industries' inability to meet the national film demand was notorious. No European industry could meet it. Besides, didn't the people prefer American films, despite the mass of printed propaganda that told them they didn't? A howl of dismay was lifted by the owners of every cinema-theatre from the Channel to the Mediterranean, the Rhine to Biscay Bay. It was taken up by all the cinema-goers within those limits. It deafened — it frightened — the French producers. They did hold out until September; but in September they capitulated.

An accord was effected between Harold L. Smith, the Hays organization delegate, and Charles Delac, representing the French Motion Picture Syndicate. Five days later, this accord was unanimously adopted by the French Government's Cinema Control Commission. As regards foreign films, "silent, sound and talking," it provides for the continuation of the *status quo* until October 1, 1930 and proceeds:

> During this period — which now appears sufficient, but will be prolonged for another period of one year, if an agreement is not reached — the contracting parties will draw up in the most friendly spirit, and the Cinema Control Commission will recommend to its Government, a Regulation (for the treatment of foreign films in France) based on *a method of protection different from that at present in force.*

CONSIDER the United Kingdom. If an American company wants to market its own films, it must buy and market a percentage of British films that mounts steadily to twenty per cent in 1936 and endures until September 30, 1938. A similar provision compels the British exhibitor to show a heavy percentage of British pictures regardless of his public's preferences. The American producer has had to purchase, the British exhibitor has had to show, miles of British film that even English cinema-goers didn't want to see — and "quota film-makers" can demand entirely artificial prices.

What has happened? First, poor British pictures. Second, and by consequence, impoverished British picture corporations.

For a time, money was plenty, because hope ran high. Mushroom concerns sprang up like the growths from those dragons' teeth sown by the Prince of Thessaly — but like

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them, they perished. On November 1 last, *The Daily Film Renter*, a leading English trade-paper, recorded the sessions of the boards of directors of three British companies, held the day before, with the terse comment:

"And not a dividend was declared at one of them."

Nobody attempts to float a moving-picture company in England today. Some of the quota-inspired corporations completely disappeared within a year of their formation.

Cross the North Sea: today the contingent system's war against American films is heaviest in Germany, and there it promises to remain heaviest for many a day to come. The contingent system at present enforced from Berlin is the most vicious ever known. Although likely to kill themselves in the effort, the German producers — now despairing of triumph in the Western market — appear determined to drive the American film from the Reich.

Germany imposed *Kontingents* in 1920. In 1925, it adopted a one-to-one basis without limit to the number of foreign films shown thereon. In 1929, a limit was fixed: 210 *per annum*. And that's all!

Even more frankly than in most European countries, the German control is maintained on behalf of a few favored national producers with strong political or financial backing. The result we shall presently see.

Take "UFA" (*Universum Film Aktiengesellschaft*), capitalized at 45,000,000 gold marks and operating from Berlin. Dr. Hugenberg, the leader of the Nationalist Party and proprietor of a formidable group of newspapers and magazines, directs its destinies and is one of its pair of chief stockholders. The other is nothing less than the Deutsche Bank. How much the Herr Doctor has sunk in this enterprise nobody may surmise, but the bank's losses to date are estimated at something over $5,000,000. "UFA" is part fabricator, part darling and part victim of the German quota system.

About the only other player of this triple rôle is "Emelka" (*Meunchener Lichtspiel Kunst A. G.*), with a modest capital of 5,000,000 gold marks. First it was an expression of Bavaria's perpetual competition in everything with Prussia; it was the champion of Catholic South Germany. Small success. Then political opponents of Hugenberg financed it — because they *were* his opponents — but something close to failure followed. Next rumor hinted of British interests' invasion — after this, of American. Announcement is now made that the Government itself has purchased control through the Commerz und Privat Bank.

So also with the lesser German companies. Doing everything it can to destroy the American film interests in its country, the national industry grievously wounds itself. Limited competition has resulted in a decrease of German films, numerically and artistically. The German people prefer the American pictures. But the German producers, acting through their Government, have by no means learned their lesson: they have expressed a heated resentment against the French truce; they have, on their own part, refused all peace proposals; they are planning still more drastic *Kontingent* regulations.

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And elsewhere? Czechoslovakia has a quota plan under consideration. Chaotic Austria allows twenty foreign permits for each native production; there is no fixed price for them — they are marketed in the Viennese coffee-houses, and recent quotations rose as high as $350 per license. Enough? Let Hungary's experience conclude this part of the story.

THE Hungarian Government did start in by taxing foreign films — of course, after they had first paid an import duty — by the metre. All revenues thus acquired were to be poured into a national "Film Fund" that was hopefully destined to subsidize a national cinema industry, to serve which all the Hungarian stars and directors then in Hollywood would be straightway summoned home. When, after a year's trial, the fund's prospects seemed slim and those of the industry proved quite unobservable, a new decree replaced the old.

This was promulgated in July, 1929, and still holds. The import duty — need one say it? — abides, and, whereas the direct tax has been removed, it is ordained that, rather as in neighboring Austria, foreign-film release licenses may be obtained solely in return for domestic manufacture: a score of the permits to each production. Well, Hungary's market demands six hundred "features" a year. When the decree was issued there were only a trio of native productions, justifying but sixty foreign-film licenses. If, then —

But perhaps the political-economists of Budapest have no faith in mathematics!

Italy does, indeed, present something of an exception to the general condition; Mussolini is friendly to the American screen, but this is not to say that the film-regulations of all his subordinates are easily borne by foreign companies. As long ago as 1927, Italy decreed that, from each October to the July following, each "first-run" theatre in the land should devote at least ten per cent of its time to the showing of domestic productions. The "Ente" — the National Organization for Motion Pictures — was created by official order and authorized to regulate Italian film production and distribution in general: its power is declining. Nevertheless, the "Luce" (*L'Unione Cinematografica Educativa*), the Government's institute of film propaganda, not only controls the national production and enforced distribution of short subjects and news reels, but has the monopoly of national news-recording for export.

WHAT is the American Government doing about this? In July, 1928, the League of Nations convened its Second International Conference for the Abolition of Import and Export Prohibitions and Restrictions. Thereat, Hugh R. Wilson, delegate of the Washington Government, stated America's official view of contingent measures in general and of these measures as applied to films.

He fully conceded any country's right to censor such imported films as it considered subversive to morals or public order; but on the economic side of the matter the American thesis was that contingent regulations constituted restrictions to im-

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portation, in violation of the agreement which the Conference was about to adopt. He raised, indeed, an interesting question in international law closely touching the business of every exporter in the United States:

> What does importation mean? It doesn't mean merely the passing of the frontier. . . . It doesn't mean that we Americans are free to ship wheat and cotton, but still may be prevented from distributing them by so-called internal regulations. . . .
>
> I can not conceive that any body of men who have the welfare of commerce at heart, and who have given such labor as you, my colleagues, have given to this Agreement, are willing to see it vitiated by a legalistic interpretation which makes it worth less than the paper it is written on. If it should ever be decided that our Agreement has to do with the mere crossing of frontiers for articles of trade, but leaves nations free to prevent the disposal of those articles when within their frontiers — what, I ask you, will be left of this Agreement?

Something uncommonly like that has, however, happened. The solemn convention against import restrictions was adopted, but, among the nations whose representatives voted for it, not one that had been a disciple of the film-contingent principle has since abjured its film-contingents.

Washington went one step farther: it was a step taken in vain. On March 30, 1929, our State Department sent a note of protest to all the European governments maintaining, or contemplating, measures in restriction of American films — other than those measures falling under customs' duties and legitimate censorship requirements. If there has been a satisfactory reply made, it has escaped my notice.

There, for the present, the matter rests, as far as our Government is concerned. Moreover, the French have seen a light, and Italy is unlikely to take any fresh measures. It may be added that Spain has been quieted, and that in northernmost Europe conditions are endurable, while the British quota is destined to strangle itself before it quite kills imports. But throughout the rest of the continent the resolve survives to hang American films, whether or not the noose encircles the hangman's neck also.

To be sure, one new factor, which puzzles all practitioners and prophets, has entered the problem: the "sound" or "talkie" picture. Of its future who can yet judge? The pessimists averred that England would not want to listen to Americanese; yet the slangy *Broadway Melody* ran for nine weeks at a London house seating 3,500 people.

Nevertheless, people whose speech is other than ours will not forever submit to English dialogue. France and Germany are preparing to profit accordingly. But can they? The whole thing is complicated by a series of patent-suits, the Germans — it is true, with indifferent results abroad, but with almost complete triumph in the Reich — pursuing the Americans, injunction-armed; while the first "talkie" from France proved a poor affair, and the Continental producers lack the capital to meet the demand. Hollywood longs for an invention whereby two sets of languages can be applied to one film. Perhaps, after all, Europe will have to return to our silent drama!

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The Meteor

By Karl W. Detzer

Ben Sladek never forgot the little events of the day he found his meteor. He had quarreled with Josie that afternoon. It was in keeping with his perversity that he laid his good luck to the quarrel somehow. If he hadn't left his wife, talking, in the middle of the kitchen floor and started for the upland pasture, the stone might still lie buried in the ground.

As it was, he nearly overlooked it. He had paused aimlessly on the shoulder of the hill to gaze down at his unproductive acres. The earth was being made ready for potatoes in Napoleon Valley. Below, in the bottom land where coarse sand mixed with the darker soil, figures of men and women, children and horses moved industriously about oblong patches of field.

Ben reflected gloomily that his crop was not yet in; that his seed had spoiled of wet rot; that he had no money for new seed and no credit; that Josie was not so nimble as she used to be in planting, cultivating and digging. He could see the uneven tar paper roof of his own house from where he stood. Its tin smoke pipe was spitting a high column of thin purple vapor, token of wet poplar in the stove. Too bad he'd run out of hardwood; green poplar wasn't much of a heater.

He bent forward, supporting himself on ax and gun. He looked older than his forty-eight years. Under the thick beard on his cheeks and chin, the square-cornered bones of his face showed Slavic inheritance. Only his eyes were not a Slav's eyes. About their corners hung a resentful and impatient restraint that flashed occasionally into defiance. Of his whole body nothing except the eyes reminded one that his grandmother had been a Chippewa.

He had been born on these hills. That was before the Frenchies swarmed over from Canada. Napoleon Valley was Government reservation then, and only men like his father, with sturdy Bohemian thrift and the long patience of the pioneer, ventured to settle on such unkindly soil. Ben grew up hungry, craving a freedom which was properly his by right of warm red Chippewa blood.

The father's single-minded devotion to labor soured in this son; thrift that led always to poverty, labor undone by frost and floods and the heat of August, toil defeated by cut worms and rust and scale, by the gnawing teeth of jack rabbits, by hungry insects. Ben Sladek at twenty-one was a rich masterpiece of disillusionment.

When he married Josie Berthold,

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daughter of the Napoleon Valley blacksmith, he cast off temporarily the languor that was pleasant to him, and rebuilt the old house. For a year he felt the disquieting stir of ambition. Then the children came — three girls, worse luck — and once more he took to the comfortable hills.

Of course Josie didn't understand. She would be happy, if only she didn't care what people said. Long ago Ben decided that what the neighbors thought made no difference. No difference at all. They could sweat and toil and refuse him credit and joke about him, about his house and his clothes and his shiftlessness. No difference.

It was only the women who thought it mattered, Josie and her daughters. Josie being French Canadian explained it. She used to like to go down into the valley and dance all night at wedding parties and boweries. Well, she could dance yet, if she wanted. If she'd just let him alone. He had better use for his time.

He still paid taxes on his father's original quarter section, with small money from butter fat and cabbage, with the receipts from potatoes, rescued heroically each fall between the first frost and the first hard freeze. He would keep this land, somehow. It offered him room to wander when the restless urge was on him, to climb aimlessly with ax and shot gun, to talk foolishly to himself, to watch the coming of spring in the fresh green tips of cedar and the tightly curled fronds of bracken, to fight contentedly and for no reason against the splendid obstacles of winter snow.

He shifted his weight on the gun and ax. A rabbit stirred in the underbrush. Ben dropped the ax, but the gun he kept instinctively. The rabbit scurried off. With mild pleasure he watched its white cottontail bounding among rotten stumps. It was a pretty little thing, now wasn't it?

Overhead a chipmunk rattled its contemptuous voice; a chipmunk's chatter always reminded Ben of Josie, for some reason. She talked like that, too much and never of the things he was thinking of himself. Today, for instance. How she had scolded. And all because he wasn't planting potatoes.

He stooped to pick up his ax. He had nearly dropped it on a stone, he noticed, a broad chunk of rock thick as his own chest. He prodded it with his foot, then picking up the ax, chopped away the trailers and young roots that bound the stone to the ground. He grunted, rolling it over. It was heavy, too heavy for its size.

"Ain't fit'n proper," he told himself, "ain't a regular stone."

He examined it carefully. Its rugged surface was pitted, as if it had passed through fire. Strange he never had noticed it before, right here on his own hill. He bent over and tried to lift it. He had to let it go, an inch above the earth. Three hundred pounds. A regular stone shouldn't weigh more than two hundred at that size. With the head of his ax, he tapped it gently.

A chip four inches long broke off. Underneath there was a glitter of silver. The afternoon light played with bright suggestiveness on the clean crystalline surface. Ben stared a long time. A pleasant and fantastic suspicion came into his mind.

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"Looks like it," he said at length. "Sure looks like one. Near enough the one in the book to be twins."

He bent over once more, whistling gently, and, digging his fingers under the rough edge, tried again to lift it. Effort like this, without purpose or need, always was sweet to him. It was the other kind of labor he resented. He struggled stubbornly, bringing out of his meagre body an enormous reserve of strength.

THE great round boulder clung to the wet ground with a perversity that angered him. At length he dragged it free. He rolled it carefully over the shoulder of the hill and began to guide it toward his house. All the way down he tried to reconstruct the item he had read in the farm journal. Something about shooting stars and their immense value. A man out West had found one. It had sold for a great sum of money.

Night had fallen when he arrived at last at his kitchen door. Josie was tramping in from the barn, a lantern in one hand, a pail of warm milk in the other.

"Late for chores again," she complained in her racketty voice. "Always late again."

"Look what I found up the hills," Ben countered.

He waited uncertainly while his wife crossed the wet dooryard. She was a gaunt, stern figure. Labor and hardship had been unkind to her early beauty, and the light of the smoky lantern accented now the harsh angles of her elbows and shoulders and chin. Stiff black hair lay close to her head. At thirty-nine she accepted old age as a sharp, unchangeable fact.

"A stone," she muttered. She put down the lantern and straightened her steel rimmed glasses. "You carry that down from the hills? There is plenty stone in potato patch. Such a foolish man!"

Ben picked up the lantern. It was like Josie to call him foolish; this time she'd swallow her words. He searched for the scar his ax had made on the pitted surface and brushed it with the wet sleeve of his shirt.

"Never see a stone like this in nobody's potato patch," he said. "Look once, how it shines."

His wife examined the break casually, then pushed the glasses back on her nose. Interest stirred quickly when once aroused in her. Her black eyes contracted as they always did at the sight of money. She touched the muddy surface.

"Maybe silver?" she asked.

"More'n that," her husband answered.

"What you mean, Ben Sladek?"

HER sharp question brought the girls from the kitchen. They were out at once, ready to laugh or scold, whichever their father deserved. They were entirely familiar with his shortcomings.

Marie was eldest; seventeen, and already as gaunt as her mother. Alice — she pronounced it *Aleece* as her maternal grandmother told her to — had inherited the square bones of her father, but not his eyes. At fourteen she was as silent as he, forever melancholy. She had left school in third grade because she was slow. Cecilia was eleven, with a wild sort of beauty, high cheek bones, and dark eyes that were neither French-Canadian nor Slav. Ben got along

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best with Cecilia. He couldn't tell Josie why. Josie didn't care for his Chippewa grandmother. She was too proud of being French.

"What is it, maybe?" she demanded again.

STILL he delayed. It never did to yield to Josie's impatience.

"It's been burnt all over," he explained at last, "went through fire. No bush fire, either. Bush fire wouldn't melt metal. It's been burnt deep. Blistered. Know what that means? It's a mete'r!"

"What's that, a mete'r?" Josie's shrill voice demanded.

"A shootin' star," Ben answered solemnly. "Like I read to you about in the farmer magazine book." He stopped. He could see Josie's face in the cloudy lantern light. Suspiciously he demanded: "Where's that farmer book at?"

Little Cecilia laughed quickly. Ben, understanding, arose indignantly from his knees. Josie frowned. Her face could become sullen without notice. The lantern cast her forehead into a mass of fine, discontented shadows.

"I burnt it today this morning," she answered. "It was in my way. Readin's always in the way. I've no place for readin'. And they was no kindlings split."

Ben scowled. Gloom heavy as the stone settled on him. He might have guessed it. Josie always burned his "readin's." He couldn't be certain now. Then:

"It's a mete'r, all right," he affirmed. "Too bad about the book. Can't remember just exactly what it *did* say. Only I think it was four dollars an ounce the man got for it off some school teacher. There's a heft of three hundred pounds here. How much is that, Marie?"

Marie was quick at figures. But this was too foolish. A stone worth four dollars an ounce? She giggled, and her father turned resentfully on her.

"Thousands," she guessed hurriedly. She touched the muddy rock with the toe of her worn shoe. "Ten thousand, maybe. Maybe more'n that."

"A lot more," Ben said. "I'll take it in the house. Get a plank off the barnyard gate, Josie, for to run it up the steps on. Ten thousand dollars? That ain't half. They's silver in that stone." He began to mumble to himself. "Silver and nackelited steel. Think that's what it's called. I'd know if I had the book."

It was easier to convince Josie when the stone was clean. That night, until the oil burned out of the kitchen lamp, Ben scrubbed mud and particles of dead leaves from the blistered surface.

"Them holes is where the sparks shot out," he explained. "They ketches fire. You've seen 'em rollin' acrost the sky, fire trailin' after 'em. It's the heat of the sun does it. They fly too close to the sun and ketch fire. Most of 'em burn right up. That's why there don't no more of them fall. Makes 'em expensive."

JOSIE'S small black eyes hardened as she listened. Ten thousand dollars! What couldn't she buy with ten thousand dollars? For the first time in years Ben had done something for his family; he had found a stone.

Next morning all of Napoleon Valley listened skeptically to the tale.

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That evening by lantern light neighbors trudged in to look. With Ben giving mild supervision they poked at the metal fragment. It looked like silver, all right. As for this newfangled stuff that he called nackelited steel—well, Ben Sladek always was a reader. They watched enviously while he wet his finger on his tongue and gently rubbed the surface.

"Worth a lot?" they asked.

BEN was slow in answering. It paid to keep these Frenchies waiting. Hadn't he often proved that with Josie?

"Worth a plenty," he said. "They's silver in it, *anybody* can see that. And nackelited steel comes expensive. If it just weighed three hundred pounds, it'd be worth somewheres around ten thousand. Weighs a lot more'n that, though. I don't hold much for figgers. Wouldn't sell it. Not for less'n a hundred thousand, I wouldn't."

Skepticism waned before Ben's matter of fact assurance. He gave no room for dissent. There lay the mete'r, its crystals sparkling in the lamp light, its pitted surface proving without doubt that it had passed too close to the sun. There sat Ben, secure and untroubled. Doubt expired in his presence. Silver and nackelited steel became plausible.

The neighbors returned to see the stone again next night. They were more respectful to Ben this time. He noticed it silently. What they thought made no difference. Still, it was pleasant. Even Josie seemed less sharp. Men lingered on the steps and talked of other things.

"Potatoes in?" one asked.

Ben shook his head. Absentmindedly he felt a loose board underfoot. Two of them. He'd have to fix these steps some time. Through the moonlight he observed his fallow acres.

"No," he replied, "no. Seed spoilt."

It was not complaint; merely a lack of interest in potatoes. He had managed to forget them until now. He pitied these farmers. All their lives they must labor as they always had labored, and in the end die poor, leaving a grim heritage of unequal and perpetual struggle. Ben was thankful for his mete'r.

"I got some seed left over," a neighbor offered. "Ain't goin' to use it, Ben. Come down tomorrow and I'll leave you have it."

Josie walked across fields for it next morning. She set the girls at work immediately, breaking the weedy patch. When the seed was in, Ben drove into Cedar Bridge, at the end of the logging railway, and sold a load of poplar butts to the pulp buyer. With the money he bought sugar and salt and flour.

ALREADY the story of his great stone had penetrated beyond the hills. Men were talking of it in the store. Ben detected envy when they mentioned it to him. The banker, Vic LaBadie, hailed him in the road.

"What about that ore?" he demanded.

Ben never had got on well with LaBadie. The banker was an outsider in the Valley. He had been born up Cheyboygan way and wore a white collar on week days. You couldn't trust a fellow like that very much. Ben drew into himself.

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"I got it. It's a mete'r," he declared soberly.

"Sure it's silver?"

"Silver and nackelited steel."

"Tested it?"

"Tried vinegar on it. Didn't turn black. Proves it's not iron."

"You might bring a chip in." LaBadie insisted, "I'll send it down to the State College of Mines."

Ben refused. "I don't hold much with colleges," he insisted. "Maybe they'd keep it, then what'd I do? No, I'm sending it nowheres."

LaBadie returned to the bank.

"He's a funny fellow, that Sladek," he told his clerk. "Maybe he's found something there. Never can tell."

Ben went home thoughtfully. He noticed in the weeks following that young men from the hills came often to his tar paper house, the same young men who before had greeted him on the road with a disrespectful nod. His daughters sat with them on the bench under the maple tree — particularly Marie. And Marie was seventeen, he reflected; time for the young men to call around. He noticed too, that each night before departing they straggled sheepishly into the kitchen and looked at the mete'r. Ben had fashioned a rough setting for it, a box of pine boards, strongly built, which he stood in the middle of the room before the stove.

He did not roam so much that summer. Evenings, in the kitchen, he regarded his possession with speculative eyes. It seemed to him there was more peace in the house than formerly. Josie didn't talk so much.

It was early September when Marie entered one night, her sharp eyes unnaturally soft.

"I'm going to get married," she announced. Ben, who sat motionless beside his treasure, looked up inquiringly. Josie put down her needles.

"And who, maybe?" the mother demanded.

"Glory l'Ardie," Marie replied defensively. Then she added: "He's a nice boy!"

"Denny l'Ardie's boy," Josie explained. Ben nodded. He couldn't exactly remember which of the young men was Glory. But Marie said he was nice. She was the one to be satisfied. His thoughts returned to the chunk of ore.

"You're old enough," he said after a moment.

The potato crop had been harvested, sacked and sodded down in the root cellar before the Saturday morning when Marie Sladek became Glory l'Ardie's wife. Ben was surprised that day when he saw which of the young men Glory was. It had not occurred to him that this might be one of the high-toned l'Ardies. They lived over in Cedar Township where folks said there was black dirt. This boy's father was building one of the new silos, Ben had heard. Well, Marie had a way of doing well for herself. He was surprised, though. In the old days, l'Ardies never ran much with Sladeks. Marie had the mete'r to thank.

Ben went to the wedding dance down in the settlement. The young men had built a bowery of cedar branches and Josie danced while Ben sat alone at the side. He noticed that the neighbors all spoke respectfully to him as they passed. A few even sat down beside him and gossiped. The braver ones asked:

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"Sold the mete'r yet, Ben?"

He shook his head gravely.

"It ain't for sale."

That was a good year for potatoes, a two-thirds crop, and for three weeks the price went up to a dollar ten. Hands were short in the Sladek field with Marie gone. Ben labored uncomplainingly with the women, digging out the root cellar and loading the wagon. He sold a hundred bushels in Cedar Bridge and cashed the commission buyer's check at the bank within an hour. He had little faith in sums written on paper. Money — cash — that's what bought flour and salt and sugar.

He did not ask for credit any more. One day a merchant, offering to restore it to him, was astonished by Ben's refusal. He didn't need so much money any more, he said. His family was getting smaller. Alice would marry one of the Beringer boys when she turned sixteen, and only Cecilia, Ben's favorite, would remain on the farm. Even she, at thirteen, was admired.

THAT next winter, and the next, Ben, sitting aloofly by the stove, understood with a little pride that the boys who sidled into his kitchen came to see his mete'r as well as Cecilia. He did not tell Josie that. She had begun to scold him now and then for thinking higher of the stone than he did of his own family. Queer . . . he didn't mind her complaints any more.

When Cecilia married — she was fifteen and handsome in a sullen way — Ben bought a new suit. He wore a necktie to that wedding, and pulled his trousers down outside of his boots. He had a little money in his pockets that night, and with a part of it, very soon after, he sent to Chicago for a kitchen range with nickel-plated trimmings.

Fifteen years Josie had talked about a new stove. Ben was glad now to buy it. But she had got it soon enough. What time before had there been for a woman to cook, with potato bugs running over the plants like ants and the hills so dry you had to carry water in buckets? The Sladeks were through raising potatoes. First Glory l'Ardie, then young Beringer had needed more land; and Ben was willing to let out his farm on shares.

THEY were better farmers than Josie or Ben Sladek. Ben found satisfaction in watching them work. And they treated him civil enough; everyone did for that matter. Neighbors were wearing the path smooth up from the Valley to his door. They brought problems to him, the kind he could answer for other people and never for himself. He consulted his almanac and gave advice on the proper day for planting, or the phases of the moon most propitious for the sowing of seed. He was convincing in what he said. They asked him about investments in implements and whether the potato market would be steady that fall. Always, before they left, they begged permission to look once more at the mete'r.

Josie enjoyed their visits. It was nice to be respected. Of course, she grumbled about the mud they tracked in on the floor, but then, Josie must grumble about something. Ben didn't see the mud. But he tired finally of questions. So one

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day he put a hinged lid on the box and a padlock on it, and dragged the stone behind the new stove.

He took to roaming again after that. With ax and gun he climbed aimlessly over the hills, warming his blood in the new spring. He was happy in a dim way; about his eyes there showed less resentment. He was through with potatoes. Weren't his sons-in-law providing, on shares, more ready cash than his pockets ever had held before?

Often he halted at the foot of the great old hemlock and sat down, eyeing the hole in the ground where he had found his mete'r. It was only a smooth hollow now, with grass and weeds crowding the gravel for foothold. Once, mistakenly, he had tried to bring Josie here. She complained of the climb on the last hill, talked again persistently of his selling the mete'r, even mentioned LaBadie, the banker, down at Cedar Bridge. Josie was getting proud, now that folks thought she might some day be rich.

BEN never brought her up the hill again. It was more pleasant to come alone, to talk foolishly to himself as he always had. Not that he blamed Josie. Most women wanted money, he supposed. He could buy a dozen farms with ten thousand dollars; have all the Frenchies in the Valley working for him. Josie would like that. Well, no difference. He'd given up, long since, trying to please a chattering French-Canadian woman.

He suspected that she talked to LaBadie frequently about selling the stone. Each time Ben strayed into Cedar Bridge, the banker sounded him out again. LaBadie was like all bankers, Ben reflected. He wouldn't believe Ben Sladek's mete'r was nackelited steel till someone down at the College of Mines proved it.

Ben had tried to make it plain to Josie. He never meant to sell the mete'r. He would rather have it right there in his kitchen to look at as often as he pleased, than put ten thousand dollars, or ten times that much, in Vic LaBadie's bank.

IT HAPPENED to be spring again the last time he told Josie that. Of course she tried to argue; in the middle of her words Ben remembered their quarrel the day he found his mete'r. He shuffled out before she was through talking. He was more resolute than usual. He had heard enough talk about his mete'r, and besides, he suspected Josie was getting ready to cry. Well, he couldn't help that.

He crossed the barnyard rapidly and let himself out through the new gate. Fifteen minutes he tramped upward. At the shoulder of the hill he turned from the path and sat down contentedly on a fallen hemlock. A thin April haze spread over the countryside. Below in the valley French-Canadian neighbors, his own sons-in-law among them, stirred industriously in their lifelong battle with the unyielding soil. Lighting his pipe, he observed their distant efforts.

"Good thing that stone didn't get too close the sun," he said aloud. "Might have burnt up complete."

Of course Josie didn't understand. No one would. It didn't matter.

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Looking 1930 in the Face

By Lewis H. Haney
Director, Bureau of Business Research
New York University

An economist calls for fearless facing of present business facts, and sees hope of a new upward swing before the year is out

"The truth shall make ye free," said one of the world's great teachers. And another one has laid down the maxim, "Know thyself."

One of the greatest troubles affecting business in this country is the failure to observe the principles underlying these statements. To be specific, our booms are always carried to greater excess, and the ensuing depressions are made worse, because we will not or do not undertake to ascertain the truth about business. We do not frankly look into our own minds and see there the gambling spirit. We shut our eyes to the truth about business, and keep them closed the tighter in an effort to remain blind to our real motives.

There is only one way to prevent business recessions and depression, and that is to prevent excessive business expansions or booms. Certainly, pessimism is undesirable, but that is equally true of optimism. Neither optimism nor pessimism is consistent with a desire to know the truth. Thus, to issue "optimistic statements" when business expansions and bull markets in stocks are approaching the breaking point, is a social disservice and often works great harm. To issue true statements warning of the dangers of the situation is not pessimism. Such statements may be full of hope that by an appreciation of the true situation a sound condition may be restored.

Unfortunately, there appears to be a strong tendency among writers on business subjects to put out nothing but optimistic statements and to avoid all discussion that might be construed as pessimism. In so far as the banks are concerned — and they constitute a prolific source of material about business — this is easy to understand. Our great banks are practically all interested in securities, both as underwriters and investors. They are heavily concerned in maintaining a sound credit condition. They have the power themselves to exercise considerable influence upon security markets and upon credit. Thus they naturally

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avoid drawing any but optimistic conclusions.

The situation in the press, too, is easily understood. Not only does the average newspaper seek to give the public what it wants, but it is necessarily influenced by the attitude of advertisers. And what department store owner, or automobile manufacturer, desires to have a newspaper in which he is advertising contain material that might be construed as unfavorable and encourage consumers to reduce purchases?

More difficult to understand is the fact that business "services" are also affected. One might think that they would take such pride in their records for accuracy in forecasting that they would seek nothing but the truth and the whole truth. But services must be sold, and they are mostly sold to stock market speculators. Unfortunately, such speculators are mostly interested on the bull side and tend to resent anything that is bearish in its implication. They will forgive mistakes on the bull side, but not on the bear side.

IN FACT, at the bottom of the situation here described, lies the desire of the average American to postpone trouble and to adopt a nice comfortable attitude for the present. This is the attitude of youth, and we are a youthful nation.

I have no quarrel with the desire to be cheerful. Worry is undoubtedly one of the most pernicious emotions and is to be continually fought. My quarrel is with *blind* optimism. I believe that a man can know the truth about business even when conditions are becoming dangerous and still be cheerful and hopeful. If he is deceived he will repent at leisure. Indeed, as already observed, a timely knowledge of danger is the only means of preventing the extreme depression and pessimism that sweeps over the country from time to time.

The foregoing is *apropos* of the present condition of business and the mass of "optimistic forecasts" which has been unloaded upon us at the beginning of 1930. (We may well remember at this time that few, if any, of the statements issued by banks and Government officials during the year 1927 admitted that any business recession was under way.) Let us see what the truth is about the business situation, and endeavor to appraise it without bias or color of optimism or pessimism.

IN THE first place, a real major recession in business is now under way. It began about the middle of 1929 and in the months of November and December was one of the sharpest on record. It was preceded by a peak in manufacturing activity and industrial production which has rarely been exceeded, and by credit strain as manifested in interest rates which was so great that parallels can be found only in such boom years as 1919.

It is true that at the beginning of 1930 we are "approaching normal," but it is also true that we are approaching it on the down grade and almost inevitably will fall considerably below normal. (This is just as true as it is that sooner or later business will again expand and again rise above normal.)

In the second place, it is not true that "fundamentals are sound." This has not been true for over a year.

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Most observers have admitted at one time or another that the position of the average bank (not the Reserve Banks) presents some undesirable features. Most observers now admit that brokers' loans have been excessive and have indicated extraordinary inflation in the stock market. All admit that the crash in the stock market has been unparalleled in violence and is bound to have important injurious effects upon business.

But aside from these generally admitted conditions, whether they be "fundamental" or not, is it true that there has been no business inflation? Is it correct to say that there are no excessive inventories?

If we mean by inflation a condition in which commodity prices are rising, the first question may be answered in the affirmative. But how, then, do we explain the very high earnings of most industrial corporations during the first three-quarters of 1929? The answer seems to be that commodity prices have been very high in comparison with the cost of producing the average unit of output. Mass production and enormous investment in plant and equipment have enabled us to reduce costs of production. If commodity prices have not declined in proportion to costs, they have in a sense advanced; that is, they are relatively high in comparison with costs.

It is true that any inflation that may have existed in this sense differs from the kind of inflation that exists when merchants are piling up forward orders and speculating in commodities, accumulating great inventories. From excessive accumulation of mercantile inventories we have been spared. But that there is any significant advantage in the failure of commodity price indexes to advance is questionable.

In fact, such conditions as are found in copper and oil where prices have been maintained for months in spite of declining demand and over production, indicate that "stabilization" may be in itself a sort of price inflation.

As to inventories, the fact is that the stocks of manufactured goods in the hands of manufacturers are, according to our only available indexes, unusually large, and have recently shown a tendency to increase. Stocks of automobiles are still burdensome. Stocks of tires have been record-breaking. Stocks of zinc are near peak levels.

Then there is the matter of installment buying. The head of one of our great mail order houses has estimated that at least $9,000,000,000 worth of time payment merchandise was distributed in 1929, and he states that "with the growth in volume of goods produced in late years there has been a big accumulation of merchandise, partly bought outright and partly paid for on time." Our high pressure selling methods have in a sense shifted stocks of merchandise from the dealers' shelves to the consumers' homes.

And, finally, what about stocks of stocks? A corporation's securities are shares in the corporation's business. It may well be asked whether the heavy burden of securities now reflected in collateral bank loans does not represent a sort of accumulation

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of stocks of commodities, or at least have somewhat the same effect.

As I see it, the great problem in the present recession arises out of mass production. We have been able to maintain our recent prosperity on the basis of an enormous volume of output with very narrow margins of profit per unit of goods produced. When the time came that the total output could no longer be disposed of at a profit and curtailment of production was required, we found ourselves in a difficult position. If our manufacturers reduce volume as prices decline, they thereby increase their unit costs of production. But already their margins of profit are narrow and readily disappear. It is no wonder that they tended to speed up production in order to reduce unit costs. Now that the limit has been reached temporarily, what are they to do?

It is little short of foolish to think that the present business recession is due to the crash in the stock market. This is plainly impossible, as the business recession began fully two months before the crash in the stock market came. The plain fact is that had it been possible for business to keep on expanding throughout 1929, we should probably still be at the peak of a bull market.

The foregoing statement of facts, showing frozen bank credit, overcapacity, over-production, accumulation of inventories, and a probable large decline in net earnings, also shows the danger of hiding our heads in the sands of bullish sentiment. It shows the danger of attempting to tinker with economic forces. The time to remedy the trouble was during the boom period of 1928 and 1929. It would have been feasible and desirable to take steps at that time to prevent the over-expansion of credit and the over-production of corporate securities. But was it wise in December, after the crisis and early in the inevitable recession, to attempt to deny the facts and to sweep back the downward flowing tide with the broom of optimism? Is it wise to try to maintain business "as usual" when business is unusually over extended?

For much of the current confusion of thought, the Government is responsible. In the first place, the Treasury Department, rightly or wrongly, was considered by Wall Street to be aiding and abetting the bull market. Under the present organization of our Reserve System, the Secretary of the Treasury has a great and sometimes unfortunate influence in banking policies.

In the second place, utterances from high government officials were almost uniformly optimistic during the period of greatest strain and danger, and to this day we are fed from Washington only soothing and optimistic material.

Then there is the expansion programme developed last December at Washington conferences. If it means anything, it means that various governmental units and private industries are going to maintain or increase their expenditures for plant and equipment. There seems to be no probability whatever that, as a matter of fact, there will be any sufficient increase in expenditures to prevent continued recession in business. But to the extent the thing is

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attempted, it is likely to retard the process of saving which is required for readjustment, and even to maintain or increase production when over-production already exists.

My chief objection to the whole procedure, however, lies in the false optimism upon which it was ostensibly built. As announced to the public, at least, it was not built upon a true appraisal of the situation, but was attended by statements that conditions are sound, etc., etc. Will such a programme not defeat itself because of the lack of confidence in it that must result from this atmosphere of — shall we say deception?

In a negative way, too, the Government should bear some responsibility for the present orgy of "conservation," "stabilization," and ethical "codes." We find the newly created Farm Board undertaking to stabilize cotton and wheat prices at figures clearly above what would be established in a free market, and lending vast sums to the farmers for this purpose, while at the same time imploring them not to produce so much.

In short, there is altogether too much effort to prevent an inevitable recession by administering palliatives.

With attempts to show the true situation when panic fears are painting it worse than it is, we may well sympathize. Undoubtedly a certain amount of stabilization of business conditions can be effected by spreading out building programmes and the like. The efforts of President Hoover to study these conditions and adopt sound remedial policies are admirable. Let us not, however, deceive ourselves by supposing that hastily adopted measures, initiated at the height of boom excesses, can have great effectiveness.

It should be freely recognized that currently we are in the declining phase of a major business cycle which has done much to confirm the general theory of business cycles. A uniform basis of measuring the upward and downward swings in the recent business cycle, based on adjusted indexes of production and freight traffic, gives the following percentages of rise and fall above normal:

	Peak (Percentage above normal)	*Bottom* (Percentage below normal)
1919–21	+28	−33
1921–24	+22	−13
1924–27	+16	− 9
1927–30	+20	−(?)

What reason is there to suppose that the current recession will not go considerably lower as a percentage below normal than did the recession of 1927? Why should it not go at least as low as the recession of 1924? Already at the end of 1929 it has carried us approximately as far below normal as at the end of 1927.

I can not see that there is any prospect of a sustained upward movement in business activity during the next six months. There may well be a minor temporary recovery such as so often occurs during a major business recession, but the plain fact is that, judged both by logic and precedent, the recession has not gone far enough to establish a basis for a sustained recovery. The curtailment of production has not been sufficient to give rise to stimulating

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shortages. Stocks of manufactured goods and raw materials have not been sufficiently reduced to relieve the pressure on commodity markets. The yields on many stocks are still abnormally low. Collateral loans by banks have not been liquidated. Finally, it would be unprecedented if a major recession in business were not to last longer and extend further below normal than has yet been the case. Business recessions usually last from a year to a year and a half, and this one began last June.

THE conditions preceding the peak of 1929 were considerably worse than those found in 1923. Bank credit was more strained and money rates a great deal higher. Indeed, the amount of rise in commercial paper rates during the expanding phase of the current cycle was greater than in any other recent cycle. Certainly, stock market excesses and the ensuing crash were much more violent. Even industrial production was greater, and the maladjustments in production found in the automobile, airplane, radio, and building material industries were much more notable.

Nor are the conditions that would encourage a rapid recovery as favorable as was the case in 1924. I think it can be demonstrated that curtailment of production and liquidation of inventories have not gone nearly so far as in 1924, and that, therefore, there is no early likelihood of such a demand for commodities based on shortages as developed at the bottom of 1924. The credit situation has not yet been stabilized. As this is being written, I read in the annual report of one of our great national banks the following statement: "Money is not plentiful or cheap for the slower and less liquid loans to customers. The demand is heavy and the supply is none too abundant. Even more restricted in relation to demand is the supply of funds available to foreign customers, including foreign banks. There has been no liquidation of bank credit against securities as compared with the situation before the break in the market." This statement is frankly taken out from the optimistic setting in which it is embedded, but it stands as the truth.

Neither the farm situation, with crops below average and farm prices in December less than one per cent above a year ago, nor export trade, with its declining trend and virtual absence of foreign loans, promises much aid to an early recovery.

AM I a pessimist because I see these facts? If those are optimists who did not foresee the stock market crash or the decline in business, then I would prefer to be a pessimist.

Those who do not want the truth to guide their actions will probably have ceased reading by this time. To those who remain, may I conclude by saying that all indications of which I am aware point to a termination of the current business recession before the end of the year, and a probable upward swing in business that may last as long as business men will keep in touch with realities and avoid over-production and over-expansion of credit.

The truth and only the truth can make us free from business cycles.

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A Man with Two Countries

By Joseph Conrad Fehr

One of America's three million victims of dual nationality describes their anomalous plight

When I was a child of less than ten my family emigrated to this country. I have been a citizen of the United States ever since my majority, by virtue of my father's naturalization while I was still a minor. During the World War I enlisted for service and went to France with the American Expeditionary Forces. After the war I completed my university studies, became a lawyer, and during the last eight years I have been connected with various departments of the Federal Government in Washington. Yet last summer I was called upon by a Swiss representative in this country to pay a military tax to Switzerland, the country from which my whole family had emigrated, because I had not appeared in 1915, when I was twenty and eligible, to serve my allotted term in the Swiss Army.

I immediately notified the Department of State of this, and an official advised me to file with the Swiss Legation in Washington a formal renunciation of my Swiss citizenship, documentary evidence of my American citizenship, and a request to be relieved of the payment. He said that if this failed, the Department would make representations to the Swiss Government in my behalf. But he tempered the Department's generosity by saying that it could hold out no definite "assurance that its representations would result favorably." The reason he gave was that the United States had no naturalization treaty with Switzerland.

I began to look into the matter. All too soon it was borne upon me, amazingly but beyond a doubt, that I was a citizen of *two* countries. Strange as it may seem, I am only one of more than 100,000 former Swiss who possess this anomalous status and are enjoying the attentions of an official whom Switzerland has attached to her legation in Washington, specially commissioned to collect these military taxes.

There have been many such cases in the past in which countries other than Switzerland participated. When a naturalized American citizen of Greek birth was kidnapped in Morocco during the Roosevelt Administration, the Secretary of State, John Hay, demanded of Morocco "Perdicaris alive or Raisuli dead."

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In this case it is interesting to note that Perdicaris was in a third country. If his naturalization in the United States did not result in his loss of Greek nationality, he might have had the protection in Morocco of both Greece and the United States. Had he been regarded as a Greek and become involved in trouble in Greece, the Government of the United States would not have been in a position from a legal standpoint to assist him.

EARLY in the World War, ex-President Roosevelt strongly protested against what he termed the delinquency of Secretary Bryan, who submitted to a French claim upon an American citizen who had been naturalized in 1908. This man was a member of the Bar, State and Federal, and had been a Township Commissioner in North Carolina; he had served in the Louisiana Militia and since his naturalization had never been out of the United States. Yet, despite these undeniable facts, when he desired to go to France on business, he was informed by the French Consul that "upon entering French soil he could be either impressed into the French service or punished for not having reported for military duty, and also punished for having served in the State Militia of Louisiana without permission from the French Government." When the matter came to the attention of the Department of State, Mr. Bryan upheld the statement of the French Consul and refused any assurance of protection. From a purely legal standpoint, however, Mr. Bryan was right.

Some years ago a native American citizen, whose father was born in Italy and became a naturalized American citizen, went with his mother to Italy. When he tried to return to this country, he was told that he would have to serve the required term in the Italian Army before he would be permitted to leave. On the advice of the United States Consul he performed the service, and at its conclusion was given an American passport and allowed to return here. Later some friends advised him that by his service in the Italian Army he had lost his American citizenship. Acting on their advice, he made application for its renewal and was rewarded very shortly by being arrested as an alien. It was only after considerable difficulty and humiliation that he finally succeeded in reëstablishing himself.

THERE have been instances in which were concerned young converts to the Mormon Church who had settled in Utah. After completing their naturalization as American citizens and returning to the respective lands of their nativity for the purpose of doing missionary work among their old friends and relatives, they were apprehended and forced to do military service once they came within the jurisdiction of the country of their former allegiance.

Again, a case heard before the late Judge Edwin B. Parker, Commissioner of the Tripartite Claims Commission between the United States and Austria and Hungary, was that of an individual born in the United States of Austrian parents. He claimed that he was taken back

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to Austria while still a child, and that upon the outbreak of the World War he was subjected to suffering and privation through internment and then was impressed into the Austro-Hungarian Army.

The evidence clearly showed that he was subjected to preventive arrest in August, 1914, as a Russian propagandist, and later was confined in various camps for sixteen months. During the internment he was forced, apparently, to take the oath of allegiance to the Emperor of Austria and the King of Hungary, without, he insisted, any regard for his protestations of American citizenship. In 1915, and later, representatives of the United States Government in Austria endeavored unsuccessfully to secure his release. In July, 1915, he deserted from the Austrian Army and escaped into Russia, but before long he was apprehended by Russian military authorities and held as a prisoner of war until the outbreak of the Kerensky Revolution.

But against him, too, the Fates were obdurate. Deciding that it was not necessary to determine whether or not the claimant protested his American citizenship when compelled to take his oath of allegiance to Austria, and whether or not the oath was administered under duress, as claimed, the Commissioner upheld the oft-expressed attitude of the Department of State by ruling that the claimant was not entitled to any compensation, because, while possessing dual nationality, he voluntarily took the risk of living in Austrian territory.

The only attempt that has been made so far to clear up these difficulties has been through the making of naturalization treaties. Those we have entered into (with Austria, Belgium, Bulgaria, Denmark, Germany, Great Britain and Hungary) provide that when a person becomes a citizen of the United States he thereby expatriates himself from the country of his birth and is released from all obligations to it. The treaties, contain reciprocal stipulations respecting the status of American citizens who can be naturalized in foreign countries. The United States is also a party to the Pan-American Convention of 1906, which undertook to fix the status of naturalized citizens who return to the country of their origin. It includes nearly all the countries of South America and Central America, but it is of little or no practical value.

This is all very well, but the difficulties that I would probably encounter on a visit to Switzerland still arise in thirteen civilized countries (France, Greece, Italy, Latvia, Netherlands, Poland, Persia, Rumania, Russia, Spain, Switzerland, Turkey and Yugoslavia) with which we have no naturalization treaties. Until something is done about it — and in one or two instances legislation or negotiations are under way — as many as three million fully naturalized American citizens technically owe allegiance to countries other than their own. And this figure is exclusive of the countless Americans of foreign-born parents who, although born in this country, are regarded by the country of their parents' origin as citizens or subjects of that country, whether or not their fathers have become naturalized.

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It is evident from the bewildering rules of law respecting citizenship and nationality that, instead of coöperating with a view to solving this ever-recurring problem, the nations of the world have, as a matter of fact, been working at cross purposes. In the United States, for instance, the Constitution provides that all persons born in this country are citizens, excepting Indians and the children of the families of official representatives of foreign nations. By Act of Congress people residing in vast territories have been made citizens, and great numbers have been naturalized pursuant to naturalization laws. Thus, almost any man who lives in this country for five years can be naturalized, and his family with him.

Robert Lansing, when Secretary of State, said that the United States did not recognize dual allegiance on the part of persons who on becoming naturalized in the United States were obliged to renounce their allegiance to their country of origin. But our Government does recognize dual allegiance on the part of children of such persons. To reduce this situation to the absurd: A naturalized citizen cannot become President of the United States but his son, if born in this country, can. On that theory it would seem that the United States would deny the existence of dual allegiance in the case of a naturalized father, but admit it in the case of a son born in this country. And theoretically it might be possible that the son, even if he were President of the United States, might be called upon to serve in the army of another country. No matter how preposterous it seems, it is nevertheless true that President Hoover, whose ancestors came to this country from Switzerland generations ago, is himself, under the Swiss law, theoretically a Swiss national.

Let us see how other countries regard the law of nationality. Until 1915, when this law was revised, the English common law rule was that every person born anywhere within the dominions of the Crown was a subject of England, whether the parents of such person were settled or merely travelling through the country. The only exceptions to this rule were children of official representatives of foreign countries or children born to foreigners at a time when any part of the territories of England was under occupation by the enemy. Descent as a rule of nationality (the principle of *jus sanguinis*) appears never to have been given any consideration, but, later on, foreign born children of British subjects were declared to be natural born English subjects.

France subscribes to the principle that "every person born of a Frenchman, in France or abroad, is a Frenchman," and owes consequent allegiance to France. And Italy the same.

It is obvious that while these great nations continue to hold such views, confusion is bound to be the result.

In a situation like this, where a conflict of needs and desires among nations prevents them from agreeing upon a general procedure, it would seem that the League of Nations should be given a chance to straighten

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things out. But, in the opinion of most writers and publicists in the field, this is not a matter which can be settled by international law, for it deals with individuals and international law deals only with nations. They say there is no generally accepted principle of the law of nations to which municipal laws must yield in the matter of expatriation, and imply that the existing chaos, in which every State insists upon having exclusive sovereignty and jurisdiction over the problem of citizenship and nationality, although its law is obviously inoperative over that of any other State, seems destined to continue.

IN DEALING with my case the State Department, which has often announced conflicting views with respect to this subject of expatriation, appears to have taken a sound view and to have recognized that a dual allegiance does exist. This is a departure from Secretary Lansing's position. Another form of the dual status results in the case, let us say, of a child born of an American father in England. He is an American under American law by virtue of relationship; he is a Britisher by virtue of place of birth, the fundamental principle underlying our own law.

A person born in the United States of Swiss parents is a Swiss citizen under Swiss law and an American under American law. The right of each country to treat him within its dominions as a national cannot be denied. But it would seem that the Department of State might have taken cognizance of the action of a Swiss representative in undertaking to carry on in the United States Governmental functions not sanctioned by international law. A nation has sovereign jurisdiction over people and property within its dominions. And it has a measure of personal jurisdiction over its nationals wherever they may be. But that control can only be consummated when the national comes back within the territorial jurisdiction of his country. There is no warrant in international law for the Swiss Government to administer Swiss tax laws in the United States. And it is not the function of Swiss diplomatic or consular officers to collect Swiss taxes under Swiss tax laws in the United States.

MEANWHILE, so embarrassing has this matter become that Congress, on May 28, 1928, passed a joint resolution, introduced by Representative Clyde Kelly of Pennsylvania, requesting the President to negotiate with all nations not yet parties to naturalization treaties with us. Copies of this Kelly Resolution, as well as comment on it calculated to persuade the nations to consider such treaties, were sent out.

Now, although the response to this resolution from Italy, hitherto perhaps one of the most die-hard of those nations withholding the right of expatriation from its citizens, has been an announcement that henceforth her sons who are now citizens of other countries are free to visit her in time of peace with exemption from military service; although England, of whose embarrassing nationality laws I have spoken, has allowed her citizens this right of expatriation since 1870, and although the body of

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international lawyers and thinking people have become convinced that it is an unsound policy to draw a line of distinction between native born and naturalized citizens, there yet remain many countries still to be persuaded that general agreement in the matter is for the good of all.

When the next international conference convenes at The Hague on March 13, under the auspices of the League of Nations, the first subject on the agenda will call for thorough discussion of this vexed subject of dual nationality, and several million Americans have reason devoutly to hope that a solution will be reached. Substantial remedial action should not, in fact, be difficult. Even if some nations, that might be called illiberal, would not participate in an international agreement, it would seem to be clear that a large number of nations would do so. In dealing with the situation of naturalized citizens the nations could bind themselves to recognize on the one hand the new nationality acquired by naturalization, and on the other hand the complete extinction of the nationality of origin. As regards persons born with a dual nationality, nations might pledge themselves to recognize an election made by a person having such a status, or made by his parents in his behalf.

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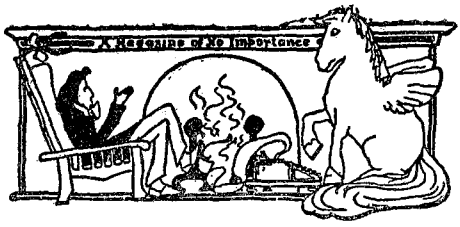

Stuff and Nonsense

By Donald Rose

A Monthly Magazine of No Importance, Dealing Lightly with Matters Pertinent and Profound, and Weightily with Those of No Consequence Whatever

MARCH, 1930 VOL. 6, NUMBER 3

THE CHAIR OF ECONOMICS

Throughout a long hard winter I have been pursuing an explanation of the stock market's stomach ache of last fall and a prophecy for the future which might be trusted to stay put. It has been a difficult job, complicated by the fact that all the accustomed oracles are saying too much or too little to be intelligible to the innocent bystander. Moreover, my own private authorities are a little the worse for wear. Some lost their prestige, some lost their pants in the earthquake. My favorite financial adviser is walking to work and the investment wizard of the 7.51 morning train has prevailed upon his wife to take in washing. The man whom I trusted implicity to explain to me why stocks went up, has had nothing important to say since they went down. The one who knew all about stocks, dividends, anticipated earnings, earning ratios and investment trusts now resembles a man who inadvertently overlooked something.

But my long research was rewarded at last in a barber shop. The barber knew all about it. He should know, since he once shaved Roger Babson and gave a shampoo and massage to a near relative of Irving Fisher. He explained everything.

"The stocks go down, see, just like Mr. Babson says. He says they go down and they go down. He says it three years ago, right in this seat. So they go down. Smart feller. I listen to him, see, and don't buy no stocks, so didn't lose no money. Then there's my wife, too; she don't like stock market — not much. Also I got no money."

"How about the future, Tony?" I murmured through the soap. "What's going to happen now?"

"Not so good," said Tony, pinching my nose severely. "Mr. Fisher — he's a professor of prohibition at Yale, they say — Mr. Fisher don't like it. Three years from now there ain't going to be no money — not enough, anyway. He wrote a book about it; nice book, they say. No money — no barber shops, no bookshops. Bad business. Witch-hazel or lilac?"

I took witch-hazel and went forth to consult Professor Fisher, by way of his book, speeches, radio talks, lectures and the other by-products of a busy but comparatively inarticulate existence.

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Professor Fisher has undoubtedly the right idea. If there is no money, nobody can spend it, which is going to be embarrassing if not a positive nuisance. He arrives at his conviction of an imminent money shortage by pointing out that a dozen fresh eggs — fresh from China — cost fifty-five cents in this year of grace, whereas in the Middle Ages they cost a nickel or its mediæval equivalent. Nothing could be clearer. And undoubtedly something should be done about it.

The Professor's own suggestions are a little too complicated for a family journal. Strangely enough, they have nothing to do with eggs but are along the lines of an adjustable five-dollar gold piece, which is apparently what is meant by an elastic currency. I studied the Professor's theories thoroughly and followed him carefully to the bitter end, where I discovered that he and Einstein are the same person but under different management. Also I traded all my five-dollar gold pieces for Treasury notes and felt considerably easier.

I am disposed, however, to dispute the Professor's concern and also most of his remedies. If there is to be a shortage of money, the thing to do is to make more money, using some material or commodity of which the supply always exceeds the demand. My own suggestion is string beans. This nation has not yet come within shouting distance of its potential production of string beans, nor has science or experience yet devised any useful disposition of them which would interfere with their value as currency. Incidentally, a string bean basis for cash and credit might also solve the farm problem and restore the faith, hope and charity of the average suburbanite beyond his wildest dreams.

I note in my primer on economics that material for money should be "durable, flexible, homogeneous, divisible, recognizable and not liable to rust." String beans are durable, as any housewife knows who has tried to serve them for breakfast. They are flexible, especially when a little past their prime. They are entirely homogeneous, any bean tasting like any other bean and any part of a bean like another. They are quite divisible and horribly recognizable. They are, admittedly, a little liable to rust, but you can spray for that.

I shall present my theory in the chair of economics at the barber shop and see what Tony thinks of it. Possibly I may try tipping him with beans, as a sort of laboratory test. If it works, I'll go after Professor Fisher. If he is not too busy proving the shortage of liquor under prohibition to discuss the shortage of money in 1932, I'll choke him with string beans. Then the rest of us may be able to attend to business.

ETHER'S LAST WORD

Once upon a time mankind thought rather well of the music of the spheres and presumably sometimes heard it. But the mood of cosmic contemplation which invites a sidereal symphony has largely vanished in the presence of a piece of period furniture, which may be tuned to the infinite but speaks with a most finite voice. Lifted at last by our scientific shoestraps to the realm of radio melodies, we find them a fathom or so short of the anticipations of poets, prophets and seers, who expected much of the invisible ether if it should ever speak its mind.

It is become our custom, indeed, to wait on it daily, in a sort of national ritual by radio, a people united at last in prayerful evening communion with Amos 'n Andy, chief comic strip of the air, doing our devotions at a shrine of toothpaste as diligently as our forefathers once celebrated family worship. Or else we wander the world around on the wings of ether to hear yet another voice or orchestra invite us to "Tiptoe Through the Turnips With Me."

All through this year of grace the ethereal welkin has rung to this redolent

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refrain. The earnest communicant sits down to his electronic incantations to invoke the spirits of space and borrow the magic carpet. A forty-piece orchestra comes to his call and plays "Tiptoe Through the Turnips." He turns the dials, more by restless habit than in honest expectation, and a male quartet sings "Tiptoe Through the Turnips." He goes elsewhere and hears "Tiptoe Through the Turnips" from a string trio sponsored by the Better Bedspring Hour. The Soprano Sisters sing it at him; a xylophone thumper thumps it; somebody whistles it and somebody yodels it.

He stays up beyond bedtime to reach California, searching the noisy night for the utmost boundary of bedlam. He gets Miami and Montreal, Chicago and Kansas City; he gets all the amateurs and a cold in the head. At last at three o'clock in the morning a ghostly whisper assures him that he has crossed the wide continent and will be entertained by Eddie's orchestra. And the orchestra plays "Tiptoe Through the Turnips."

To crown and confirm our studies in the scope of this ubiquitous melody, we need only refer to the international broadcasts contrived by a benevolent corporation for the celebration of Christmas. With incredible pains and ingenuity the sullen Atlantic was spanned and every bogy of static and interference put to silence. Europe waited breathlessly for the greeting of a cousinly continent; half the world stood by to hear it. And what was its chief import, its *pièce de resistance*, its triumphant top note? Why, "Tiptoe Through the Turnips," of course.

So this is what is become of the golden silence which presumably reigned through space when the world began. It is sunk without trace in a whirl of programmes and a welter of advertising. But there remain brief pauses, not for station announcements but for weightier matters, which sometimes relieve the pressure on the seaboard ether and recall the cosmic calm of eternity.

Some several times through the winter the speaker has gone suddenly silent, checked in its warblings and garblings by S.O.S. at sea. Adenoidal tenors have been checked as though they had just swallowed the soap; impassioned orchestras have been frozen in their tracks; lecturers have left a sentence unfinished and died on the air as if of heart failure. And sudden silence has swept the ether clean of its troubles, leaving it breathless with an ominous hush.

Here, to our thinking, is radio's most dramatic achievement — to be silent awhile save for the bickering of static and the hum of the hungry tubes. The imagination that is not calloused all over with the custom of noise, leaps out on the silent night to wonder and be afraid. We spin the dials up and down the storm-racked coast and hear nothing. All the silly chatter is mute, all the quarreling wave-lengths are at peace, all space is a watchful ear, waiting for word from the sea. Somewhere a brave ship battles with disaster and calls for help, and radio forgets its foolishness and stands by.

This is the Government's doing, for which the Government may be forgiven much. Observing how splendid is this magnificent silence one may well wonder why it is not contrived more widely and often, and in other directions. What would a grateful nation give, for instance, for a signal which would impose instantaneous silence on Senators Borah and Brookhart or on all the confusion of Congressional committees and commissions? Who will invent an S.O.S. which gets right of way over the wailing of the Wets and the diatribes of the Drys? Or who will say the word which will silence all squabbling and much speaking, so that nothing but what is important shall have an audience?

For somehow we have done a curious thing in contriving a score of miracles by which to talk across the chasms of space. When all the machinery is fearfully and wonderfully made and in full working

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order, there is still nothing to say. It is as though a man should dig a garden all over and find he has no seed, or should start to shave with a gold-plated razor and discover he has no whiskers. And with every new miracle of communication, the gulf grows wider between what is said and the marvel and magic of saying it.

Lately, for example, the electrical wizards topped off a busy season by inaugurating telephone conversations between a ship at sea and an airplane in mid-air above New York City. It was, we believe, an extraordinarily difficult thing to do. To accomplish it you must first get a ship, with at least one passenger in it who wants to talk to an airplane pilot. Then you must keep an airplane continuously on duty until the passenger thinks of something to say. Then the mechanical difficulties begin.

The passenger lifts the receiver in his stateroom. "Please connect me with an airplane above New York City."

"What number, please?" comes the sugared reply.

"I don't know the number. It's an airplane flying above New York City. It hasn't got a number."

"Sorry, but you will have to call information. One moment, please, and I'll connect you."

"Wait a minute, operator. I don't want information. I want an airplane flying above New York City."

"Sorry, but you have the wrong department. We don't supply airplanes for flying over New York City. Suppose you look in your classified directory under A for airplanes. Or perhaps P for planes. Or you could call a taxi."

"No, operator, you don't get me. There's an airplane flying above New York City —"

"One moment, please. If you have any complaint to make of interference with service I'll connect you with our traffic department. Or you may make a written complaint to our central office, specifying the time, date and type of airplane causing the disturbance."

"Listen, operator. I want to put in a call for an airplane which is flying over New York City. There's a friend of mine in it who is waiting to hear from me. And it's important; he's paying a dollar a minute to stay up there."

"What's your friend's address?"

"He's got no address. He's up in an airplane — an airplane."

"Did you say airplane?"

"Yes, I said airplane. Airplane."

"Will you kindly spell it."

"A-I-R-P-L-A-N-E — airplane. A for anything, I for instance, R for roodles, P for peanuts, L for crying out loud, A for all that, N for nothing and E for everything. Airplane."

"Oh, airplane. Why didn't you say so? Which airplane do you want?"

"There's only one airplane with telephone connections. That's the one I want."

"Well, what's the airplane's number?"

At this point the passenger jumps overboard and the experiment is continued by the captain.

The procedure is briefly this. The captain speaks into an ordinary telephone receiver, where a sensitive diaphragm is vibrated back and forth by the modulations of his voice, which are slightly reminiscent of the onions he had for dinner but nobody seems to care. The vibrations go wriggling along the telephone wire to the ship's wireless set, where they are fed into the radio by a licensed operator named Jimmie. Inside the radio they come momentarily to rest on the hot filament of a vacuum tube and immediately leap off into space. They are, in fact, broadcast to all points of the compass. Some of them go to Newport, some of them go to Hog Island, Philadelphia, some of them go to the moon. Some of them waste a lot of time and trouble by going out to sea to a point north by sou'souwest, or — as Joan Lowell would say — hard a-lee, port by

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starboard, shiver my timbers and scupper the skipper. And some of them — some of them light on the airplane flying above New York City, provided it hasn't got tired in the meantime and gone home to roost.

The gent in the airplane is expecting the call, or he would probably never get it. The vibrations go into his own radio set and are unscrambled there, arriving at last in his ear-phones with nothing missing except the onions. And what does the captain say to the intrepid pilot as he flits around the towers of Manhattan?

The history of civilization might be written in the famous phrases born of great occasions and emergencies. And when science succeeded at last in bridging the baffling gap, the aching void between the *Leviathan* at sea and the airplane above New York City, the captain rose gallantly to the situation. He told the airplane that the weather was fair and the sea calm.

We sit and shudder now as we foresee the moment when we come face to face with a transatlantic telephone and shall find our mind gone null and void. We shall have nothing to send overseas but a weather report. We might as well mail it and save the money.

But for radio itself we see some hope. We have felt encouraged ever since the early morn of January 21, when we lay drowsily abed in the wake of an alarm clock's warning, while King George the Fifth addressed the Five-Power Parley in our living room. It's not often that a King gets up so early to entertain us.

The Unkindest Cut of All

The policy and practice of Governmental economy, celebrated and proclaimed through two Presidential elections and practised at intervals, has at last brought forth fruit. Unless somebody changes his mind, there is to be a cut in income taxes amounting to one hundred and sixty million dollars and forty-nine cents.

This is very encouraging. It is also remarkable and possibly unparalleled. And at first sight it is difficult to see how it has been arranged. Nothing but the strictest economy on the part of the Government, comparable even to our own, coupled possibly with generous settlements from the insurance companies for the winter series of White House and Capitol fires, can account for it.

We make our suggestion that this economy has been effected principally by reductions in the thickness of stickum on postage stamps. At an estimated saving of four dollars and eighteen cents per acre the saving amounts to one hundred and forty eight million dollars and thirty cents, and we presume that Mr. Mellon made up the difference out of his own pocket. Or out of other peoples' pockets, as the case may be.

But on the other hand, we read that the Government collected in 1929 about one hundred and fifty-nine million dollars more than it figured on, which is a nice thing to happen to any government. Some of it came out of stock market monkey business, which is as good a place as any and is accounted for by the fact that the Government gets its share coming and going, like a gent in the ice and coal trade. Some of it was just a matter of miscalculation, such as is liable to occur in the best regulated budgets though commonly in the other direction. But there it was, and the administration traded it for a tax cut, tossed in an extra million for good measure, and made a hundred thousand new Republicans over night. Is this a system? We think so.

But the only thing really wrong with the tax cut is that it missed by a mile the people who most needed it. All the wisdom at Washington, which makes quite a showing if you don't count the Senate, has apparently failed to provide a cut in

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income taxes for those who pay no income taxes. The horror and injustice of it all are like those displayed in the tax refunds distributed right after Christmas to poor but honest corporations like the Carnegie Steel Company and the Philadelphia Electric, and which entirely overlooked our own deserving indigence. Nobody said a word about refunds to us nor to most of our neighbors, and it's all wrong. If anybody is going to get a refund, everybody should get one. Particularly at Christmas time, or soon after.

Now we are all in sight again of the same perennial partiality toward those who have more money than they know what to do with, and an equal and appalling indifference to the rest of us. In this land of the free and the brave, of equal opportunities and the rights of man, the presumable privilege of paying an income tax is granted to some and denied to others. And we feel sure we are missing something. It must be uncommonly pleasant to pay an income tax, as we conclude from the mad rush of our fellow citizens to do so at this season of the year. Seeing their verve and anxiety we long to join the party. We would be willing, in fact, to join almost any party, if it but gave us an opportunity to pay an income tax.

But there seem to be difficulties. In the first place there is our income — or rather, there isn't our income. The only place we seem to fit the Internal Revenue Department's blank is in section 15, under the heading of "depreciation, obsolescence and depletion." Then there are the deductions, which are numerous and very wearing. Everybody deducts from our income, beginning with the Building and Loan Association and ending when the money is all gone. And further, there are our exemptions. Nice little exemptions, indeed, but all helping to leave the Government without our visible means of support. Even the baby in the cradle conspires to rob us of a chance to buy a nickel's worth of the Government for our very own.

There is bitterness in all this. The children come home almost in tears. "Popper," they say. "Popper, why don't we pay an income tax? All the other children's poppers pay income tax — why can't we pay one?"

What can we say? We can not talk to them of the exemptions of which they are the innocent cause, for childhood is sensitive and should be kept so. So we smile bravely and say cheerily, "Never mind, children. Maybe the Government just doesn't want any more money." But even the children know this isn't true, and isn't going to be until three weeks after the millennium.

Some people talk with heavy humor of the difficulty of making out the tax returns, and we understand that there are even people who charge real money for doing it. We don't understand this. We are afraid of no scrap of paper, and would undertake to make a return if somebody would supply us with the essential raw material. We can do crossword puzzles and read Browning in the original. No government official can ask us another and get away without an answer. And our financial life is an open book to anyone who wants cheap reading. We have nothing to conceal. We wish we did.

But just for fun and to keep up our arithmetic we have sometimes made out income tax returns. It never comes out twice the same but it is always interesting, and for the benefit of any among the customers who may find the official document a little involved we append a digest of our own statement, which will indicate the best possible method of figuring out the tax and give just as good results as any other.

We start with our salary for the year. Add a dollar picked up in Pottstown, subtract fifty cents which fell through the hole in our flannel pants pocket, add four hundred and eighty dollars for rents

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and take away four hundred and seventy six dollars for alterations and repairs to satisfy the tenants. Add profit from a year's persistent poker — two dollars and eighty cents — and take away three dollars for betting on the Worlds Series. Subtract bad debts, add bad debts, subtract fire losses, add fire insurance; add forty cents for old newspapers sold to the junk man. Add twenty-two cents for riding on railroad train with out-of-date ticket, subtract operating costs of cigarette lighter, add profit of vegetable garden — one dollar and eighteen cents not counting the cost of the seeds or the hired man — and take away ninety-eight cents for a fountain pen which won't work and never did. Subtract church contributions — one dollar and a quarter; add interest on money in savings bank — twenty cents. Subtract one umbrella and two odd rubbers, and add fourteen cents found in pocket of working trousers. Add four dollars overdraft at the bank, and subtract three dollars for subscription to magazines designed to help a poor boy through college. Add the income from free-lance journalism; take it all away and buy typewriter ribbons and postage stamps. Take away two thousand dollars for being married and living with a wife on the last day of the taxable year; take away thousands and thousands of dollars for children under eighteen years of age because mentally or physically defective; figure the tax on the net income at one and a half per cent or as much more as you please, and behold — the Government owes us one hundred and ninety two dollars and nineteen cents.

There remains only the problem of figuring out a way to get it, and the minor matter of wondering where the tax cut comes in.

The Five and Ten

How glittering gay is the ten-cent emporium;
The human sensorium thrills at the sight
Of the windows and counters, so temptingly teeming
With merchandise gleaming and shining and bright.

Oh, where, for a dollar's small decimal fraction,
Can such satisfaction be equally bought?
Oh, what is here lacking that's worthy of mention,
That art or invention or cunning have wrought?

The cuff buttons, necklaces, earrings, and lockets;
Electric light sockets, and buttons, and cord;
The perfume and peanuts and pie plates and pencils,
And kitchen utensils and parts for the Ford.

The varied achievements of civilized races.
The works of all places, all peoples, all time;
The fruits that the ages have labored and sought for,
Are here to be bought for a nickel or dime.

Oh, picture the wonder of King Tutankahmen,
If he could examine this profligate pile
Of all that his heirs and embalmers omitted,
What time they outfitted his tomb on the Nile.

Consider the envy of Crœsus and Midas,
If they stood beside us these opulent times,
With pop-eyed amaze at the manifold riches
The damage for which is but nickels and dimes.

The pirate of old or the Indian potentate
Gladly would contemplate murder and crime,
With tortures ingenious, varied, and cruel,
To capture the jewel that costs me a dime.

Ah, could I return with a bag of such plunder
To waken the wonder of Indian gents,
I'd spread it before the reception committee,
And buy New York City for seventy cents.

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The Reader's Turn

A Department of Comment and Controversy

This Fashion Furore

By Beatrice S. Ehrmann

Contrary to Ethel Traphagen's article in The North American Review attacking the return of longer skirts, I maintain that the new fashions in women's clothes are not in bad taste.

Let us briefly review the fashion situation. When the American stylists went to Paris last summer, what did they see? Long dresses everywhere — skirts varying in length from four inches below the knee to those touching and trailing on the ground. And what happened? These buyers purchased what they wanted and came home. Yet when they started to put their acquired knowledge into use, some of them forgot to modify. Although the smartest and most efficient of these designers knew that they should adapt these ideas to the needs of the American woman, the failure on the part of some to do so resulted in poor taste.

The new fashions in women's clothes are not in themselves in bad taste. The error in judgment is the inability to choose the right type of frock for any given occasion. It would have been exceedingly bad taste, even with last year's styles, for a woman to have appeared at an office in a décolleté gown. Today, it is just as out of place for a woman to wear a long, flowing, formal dress in offices and in streets.

Women, it is true, have enjoyed unprecedented freedom. They have *not*, however, always presented unprecedented grace. How could they, with skirts so short and tight? True, some women have beautiful legs, but for the most part there are ugly legs and knees, with bare skin above rolled stockings — a most unbeautiful display. Furthermore, is there anything graceful in a plump woman, no longer young, squeezing herself into tight *brassières* and corsets, in an effort to reduce bust and hip measurements, so that she may have a boyish form? The new corsets, following the natural lines of a woman's body, thereby showing slight curves at the waist and hips, are far easier wearing than the former restraints.

All dresses today along sport lines, which are the clothes worn by well-dressed women during active hours of the day, have widened even hem lines, and a length of from three to five inches below the knee. For formal occasions — and the gods be thanked for formal occasions! — in which busy women can cast aside the cares and dresses of a working day, there are very charming long skirts. More particularly because the women of Paris have greater leisure than we, the long and very feminine clothes predominated at the Paris openings. Here in America women work, whether they have to, economically, or not. That is why it is of prime importance for the stylist to recognize the difference between the life in each country. Had this been properly handled, more emphasis would have been laid on the even length dress with the added circular fulness for street wear, and we should have had less of the offending rags and tatters, concerning which the fashion expert, Madame Schiarparelli, says:

"I was astounded, on arriving in New York, to see girls and women rushing around the streets, in the shops, with skirts dangling around their ankles. The French designers never intended that they should. It isn't right. These longer skirts are for more formal occasions, not for the street. Skirts for the street are very little longer, four to six inches — no more. And that is not much. But then we in Paris have never worn our skirts as short as you do in America."

Good Manners for Editors

By George A. Little

Editor United Church Publishing House of Toronto

In The North American Review for January you print on page 9, "Ellen Terry once answered without an instant's pause to some friend's query as to the most desirable single quality in human beings, 'Good manners, dear good manners.'" On page 88, "Meek as a lamb a rather quiet and inoffensive looking chap, the type of the Sunday school teacher rather than the lobbyist." On page 109, "Another minor nuisance such as whooping cough, baths or Sunday school.' On page 128, "Most virginal Y. W. C. A. secretary."

Now, what is the most desirable single quality in editors? "Good manners, dear sir, good manners!"

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